ARTICLE 3. CHILD WELFARE SERVICES

Rule 1. Licensing of Boarding Homes for Children

470 IAC 3-1-1 Definition of "foster parent" and "foster parents"
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 1. The terms "foster parent" and "foster parents" as used in the rules and regulations for licensing of boarding homes for children are defined to be the person or persons to whom a license to operate, maintain or conduct a boarding home for children is granted by the State Department of Public Welfare, and the spouse of the person so licensed, if living within the boarding home described in said license.
Sec. 5(c), Welfare Act; Sec. 3, Ch. 349, Acts 1945; Burns 52-1104
Sec. 2, Ch. 185, Acts 1945; Burns 22-2417 *(Division of Family and Children; Title 3,Ch 1, Definitions; filed Nov 6, 1946, 11:30 am: Rules and Regs. 1947, p. 1829; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1-2 Definition of "boarding home for full-time care of children"
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 2. Boarding Home Giving Full-Time Care to Children, Definition. A boarding home for full-time care of children is defined as a place of residence where the child is cared for both day and night.
Sec. 2, Ch. 185, Acts 1945; Burns 22-2417 *(Division of Family and Children; Title 3,Ch 1,Reg 3-101; filed Nov 6, 1946, 11:30 am: Rules and Regs. 1947, p. 1829; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1-3 Foster family; full-time care; health; income; adult boarders; records and reports
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 3. Foster Family–Full-Time Care. (a) Foster parents shall be mature individuals who are capable of exercising and do exercise good judgment in the handling of a child.

(b) The health of all members of the foster family or other individuals living in the home shall be such that it will not be detrimental to the health and welfare of the foster children. A statement from a duly licensed physician and such other evidence of good health as may be required of the foster family by the State Department of Public Welfare shall be furnished.

(c) There shall be sufficient income and resources in the home to insure a reasonable living standard within the boarding home and proper care for the children.

(d) No adult boarder or roomer shall be permitted to live in the boarding home for full-time care except with the consent of the State Department of Public Welfare.

(e) The licensee shall report to the county department of public welfare or licensed child-placing agency or any other designated representative of the State Department of Public Welfare any change in the home conditions affecting the welfare of the children, such as the number of persons living in the home, change in residence or in the use of rooms, reduction of income, or employment of foster mother.

(f) Each foster mother shall keep a record of the names of children admitted, the time of admission, the time of release, and any other specific information required by the agency authorized by law to supervise the home.
Sec. 11, Ch. 185, Acts 1945; Burns 22-2426
Sec. 12, Ch. 185, Acts 1945; Burns 22-2427
Sec. 14, Ch. 185, Acts 1945; Burns 22-2429 *(Division of Family and Children; Title 3,Ch 1,Reg 3-102; filed Nov 6, 1946, 11:30 am: Rules and Regs. 1947, p. 1830; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1-4 Housing; full-time care; standards and requirements
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 4. Housing–Full-Time Care. (a) The boarding home for full-time care of children shall not be located where unusual conditions exist that would be hazardous to the physical or moral welfare of the child.

(b) The home shall be heated to provide for comfort, and the heat of all rooms used for infants shall provide at all times a temperature of at least seventy degrees Fahrenheit.

(c) The home shall be kept free from all unnecessary fire hazards.

(d) When natural light is insufficient, it shall be supplemented by artificial light properly diffused and distributed so that adequate light will be available at all times.

(e) Facilities for proper bathing shall be provided.

(f) The room used for eating shall be sufficiently large to enable the foster children and foster family to eat together as a normal family group.

(g) Sleeping rooms shall have adequate ventilation for health, safety and welfare of the child. Each child shall have an individual bed equipped with springs, mattress and suitable bed clothing in a room used exclusively as a sleeping room; provided, however, that in unusual circumstances involving the welfare of children this requirement may be waived by the State Department of Public Welfare.

(h) There shall be closet and drawer space provided for each child's possessions.

(i) Proper facilities and opportunity shall be provided for school children to study.

(j) Recreational facilities shall be made available for indoor and outdoor play.

(k) Boarding homes for full-time care of children shall conform to all rules and regulations of the local police, fire and safety authorities and of the State Fire Marshal as to fire and safety protection and to all laws pertaining thereto.

Sec. 6, Ch. 185, Acts 1945; Burns 22-2421

Sec. 12, Ch. 185, Acts 1945; Burns 22-2427 *(Division of Family and Children; Title 3,Ch 1,Reg 3-103; filed Nov 6, 1946, 11:30 am: Rules and Regs. 1947, p. 1830; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1-5 Sanitation; full-time care

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 5. Sanitation–Full-Time Care. (a) The boarding home for full-time care of children shall conform to the sanitary laws and ordinances of the State and the city or town in which it is located. It shall be kept clean and in a fit sanitary condition. Windows and doors shall be screened as required by the climatic conditions.

(b) The milk supply, the water supply and the sewage disposal shall conform to the standards set by the State Board of Health under its rules and regulations and all laws pertaining thereto.

Sec. 8, Ch. 185, Acts 1945; Burns 22-2423

Sec. 11, Ch. 185, Acts 1945; Burns 22-2426

Sec. 12, Ch. 185, Acts 1945; Burns 22-2427 *(Division of Family and Children; Title 3,Ch 1,Reg 3-104; filed Nov 6, 1946, 11:30 am: Rules and Regs. 1947, p. 1832; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1-6 Health; full-time care; communicable diseases; medical treatment; health regulations

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 6. Health–Full-Time Care. (a) A child suffering from a communicable or a contagious disease shall not be admitted to a home where there are other children unless plans are based on competent medical advice.

(b) If a person in the boarding home for full-time care of children should contract a communicable disease, the foster child shall not be permitted to remain there unless suitable health precautions are taken for protection of the child.

(c) The foster parents shall cooperate with the parents or person in loco parentis in providing proper medical treatment for the foster child.

(d) Boarding homes for full-time care of children shall conform to all rules and regulations of the local health authorities and the State Board of Health as to diet, medical care and sanitation and to all laws pertaining thereto.

Sec. 8, Ch. 185, Acts 1945; Burns 22-2423
Sec. 11, Ch. 185, Acts 1945; Burns 22-2426
Sec. 12, Ch. 185, Acts 1945; Burns 22-2427 *(Division of Family and Children; Title 3,Ch 1,Reg 3-105; filed Nov 6, 1946, 11:30 am: Rules and Regs. 1947, p. 1832; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1-7 Food; full-time care
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 7. Food–Full-Time Care. (a) Foster parents shall show a reasonable knowledge of the principles governing the feeding of children.

(b) Food supplied to children shall be of good quality, properly prepared, and sufficient in quantity to meet their individual needs.

Sec. 12, Ch. 185, Acts 1945; Burns 22-2427 *(Division of Family and Children; Title 3,Ch 1,Reg 3-106; filed Nov 6, 1946, 11:30 am: Rules and Regs. 1947, p. 1832; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1-8 Personal care of child in boarding home for full-time care of children; supervision; education; religion
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 8. Personal Care of the Child in the Boarding Home–Full-Time Care. (a) Each child shall receive the same treatment as members of the foster family. Each child shall be treated as the foster parents' child insofar as participation in normal family life is concerned. No child shall be subjected to cruelty, neglect or exploitation.

(b) In the absence of the foster parents, reliable supervision shall be provided by the foster parents for any child living in the home.

(c) Foster parents shall cooperate with the parents or person in loco parentis in providing education for each child in accordance with the ability of each child.

(d) The religion of each child shall be given preference in planning for his attendance at Sunday School or Church.

Sec. 12, Ch. 185, Acts 1945; Burns 22-2427 *(Division of Family and Children; Title 3,Ch 1,Reg 3-107; filed Nov 6, 1946, 11:30 am: Rules and Regs. 1947, p. 1833; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1-9 Definition of "intermediate boarding home for the care of children;" emergency placement
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 9. Boarding Home for the Intermediate Care of Children, Definition. An intermediate boarding home for the care of children is defined as a place of residence where the facilities of the home are available at all times for children in need of emergency placement for a temporary period.

Sec. 2, Ch. 185, Acts 1945; Burns 22-2417 *(Division of Family and Children; Title 3,Ch 1,Reg 3-108; filed Nov 6, 1946, 11:30 am: Rules and Regs. 1947, p. 1833; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1-10 Foster family; intermediate care; requirements
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 10. Foster Family–Intermediate Care. (a) Foster parents shall be mature individuals who are capable of exercising and do exercise good judgment in the handling of a child.

(b) The health of all members of the foster family or other individuals living in the home shall be such that it will not be detrimental to the health and welfare of the foster children. A statement from a duly licensed physician and such other evidence of good health as may be required of the foster family by the State Department of Public Welfare shall be furnished.

(c) There shall be sufficient income and resources in the home to insure a reasonable living standard within the boarding home and proper care for the children.

(d) No adult boarder or roomer shall be permitted to live in the intermediate boarding home except with the consent of the State Department of Public Welfare.

(e) The licensee shall report to the county department of public welfare or licensed child-placing agency or any other designated representative of the State Department of Public Welfare any change in the home conditions affecting the welfare of the children, such as the number of persons living in the home, change in residence or in the use of rooms, reduction of income, or employment of foster mother.

(f) Each foster mother shall be responsible for keeping a record of the names of children admitted, the time of admission, the time of release, and any other specific information required by the agency authorized by law to supervise the home.

Sec. 11, Ch. 185, Acts 1945; Burns 22-2426

Sec. 12, Ch. 185, Acts 1945; Burns 22-2427

Sec. 14, Ch. 185, Acts 1945; Burns 22-2429 *(Division of Family and Children; Title 3,Ch 1,Reg 3-109; filed Nov 6, 1946, 11:30 am: Rules and Regs. 1947, p. 1833; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1-11 Housing, intermediate care; standards and requirements

Authority: IC 12-13-5-3

Affected: IC 12-17.4

Sec. 11. Housing–Intermediate Care. (a) The intermediate boarding home for care of children shall not be located where unusual conditions exist that would be hazardous to the physical or moral welfare of the child.

(b) The home shall be heated to provide for comfort, and the heat of all rooms used for infants shall provide at all times a temperature of at least seventy degrees Fahrenheit.

(c) The home shall be kept free from all unnecessary fire hazards.

(d) When natural light is insufficient, it shall be supplemented by artificial light properly diffused and distributed so that adequate light will be available at all times.

(e) There shall be in each intermediate boarding home for children a complete bath room.

(f) The room used for eating shall be sufficiently large to enable the foster children and foster family to eat together as a normal family group.

(g) Sleeping rooms shall have adequate ventilation for health, safety and welfare of the children. Each child shall have an individual bed equipped with springs, mattress and suitable bed clothing in a room used exclusively as a sleeping room; provided, however, that in unusual circumstances involving the welfare of children this requirement may be waived by the State Department of Public Welfare.

(h) There shall be in each intermediate boarding home for children a separate closet or locker space available for each child or a receptacle shall be provided where each child's clothing may be kept apart from the clothing of the group.

(i) Proper facilities and opportunity shall be provided for school children to study.

(j) Each intermediate boarding home for the care of children shall have adequate recreational equipment suitable for children who will be using the home.

(k) The rooms of the intermediate boarding home for care of children shall be so arranged that, if necessary, children may be isolated.

(l) No intermediate boarding home for the care of children shall be licensed for more than three children under two years of age or six children over two years of age unless special and adequate facilities are available.

(m) Intermediate boarding homes for children shall conform to all rules and regulations of the local police, fire and safety authorities and of the State Fire Marshal as to fire and safety protection and to all laws pertaining thereto.

Sec. 6, Ch. 185, Acts 1945; Burns 22-2421

Sec. 12, Ch. 185, Acts 1945; Burns 22-2427 *(Division of Family and Children; Title 3,Ch 1,Reg 3-110; filed Nov 6, 1946, 11:30 am: Rules and Regs. 1947, p. 1834; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1-12 Sanitation; intermediate care
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 12. Sanitation–Intermediate Care. (a) The intermediate boarding home shall conform to the sanitary laws and ordinances of the State and the city or town in which it is located. It shall be kept clean and in a fit sanitary condition. Windows and doors shall be screened as required by the climatic conditions.

(b) The milk supply, the water supply and sewage disposal shall conform to the standards set by the State Board of Health under its rules and regulations and all laws pertaining thereto.

Sec. 8, Ch. 185, Acts 1945; Burns 22-2423
Sec. 11, Ch. 185, Acts 1945; Burns 22-2426
Sec. 12, Ch. 185, Acts 1945; Burns 22-2427 *(Division of Family and Children; Title 3,Ch 1,Reg 3-111; filed Nov 6, 1946, 11:30 am: Rules and Regs. 1947, p. 1836; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1-13 Health; intermediate care; physical examination
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 13. Health–Intermediate Care. (a) A child suffering from a communicable or contagious disease shall not be admitted to a home where there are other children unless plans are based on competent medical advice.

(b) If a person in the intermediate boarding home should contract a communicable disease, the foster child shall not be permitted to remain there unless suitable health precautions are taken for protection of the child.

(c) The foster parents shall cooperate with the parents or person in loco parentis in providing proper medical treatment for the foster child.

(d) Boarding homes for intermediate care of children shall conform to all rules and regulations of the local health authorities and the State Board of Health as to diet, medical care and sanitation and to all laws pertaining thereto.

(e) If a child is admitted to the intermediate boarding home without a physical examination, he shall be examined by a duly licensed physician within twenty-four hours of admission to the home.

Sec. 8, Ch. 185, Acts 1945; Burns 22-2423
Sec. 11, Ch. 185, Acts 1945; Burns 22-2426
Sec. 12, Ch. 185, Acts 1945; Burns 22-2427 *(Division of Family and Children; Title 3,Ch 1,Reg 3-112; filed Nov 6, 1946, 11:30 am: Rules and Regs. 1947, p. 1836; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1-14 Food; intermediate care
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 14. Food–Intermediate Care. (a) Foster parents shall show a reasonable knowledge of the principles governing the feeding of children.

(b) Food supplied to children shall be of good quality, properly prepared, and sufficient in quantity to meet their individual needs.

Sec. 12, Ch. 185, Acts 1945; Burns 22-2427 *(Division of Family and Children; Title 3,Ch 1,Reg 3-113; filed Nov 6, 1946, 11:30 am: Rules and Regs. 1947, p. 1837; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1-15 Personal care of child; intermediate care; supervision; education; religion
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 15. Personal Care of the Child–Intermediate Care. (a) Each child shall receive the same treatment as members of the foster family. Each child shall be treated as the foster parents' child insofar as participation in normal family life is concerned. No

child shall be subjected to cruelty, neglect or exploitation.

(b) In the absence of the foster parents, reliable supervision shall be provided by the foster parents for any child living in the home.

(c) Foster parents shall cooperate with the parents or person in loco parentis in providing education for each child in accordance with the ability of each child.

(d) The religion of each child shall be given preference in planning for his attendance at Sunday School or Church.

Sec. 12, Ch. 185, Acts 1945; Burns 22-2427 *(Division of Family and Children; Title 3,Ch 1,Reg 3-114; filed Nov 6, 1946, 11:30 am: Rules and Regs. 1947, p. 1837; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1-15.5 Foster parent training

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 15.5. (a) Each foster parent applicant shall successfully complete as a part of the family preparation process, a twenty (20) hour preservice training course, as specified by the division of family and children, prior to being initially licensed as a foster home.

(b) Each foster parent applicant shall submit evidence of the successful completion of a current course in first aid prior to licensure and retake the first aid course every three (3) years. An updated Red Cross first aid manual or its equivalent shall be available in the foster home.

(c) If the licensed child placing agency or county department of public welfare documents an emergency need for licensing to facilitate placement of a foster child when no other home is available, the division of family and children may approve a foster parent for licensure who does not comply with subsections (a) through (b). Each such foster parent shall complete the preservice training course within six (6) months of licensure.

(d) Within one (1) year after the twenty (20) hour training requirement has been met, and annually thereafter, each licensed foster parent shall be required to successfully complete ten (10) hours of inservice training as specified by the division of family and children prior to being relicensed as a foster home.

(e) Prior foster care training or education in child care or child development may be substituted for a part of the training requirements in this section with prior approval of the division of family and children.

(f) These requirements apply to full-time and intermediate care foster parents only. *(Division of Family and Children; 470 IAC 3-1-15.5; filed Jan 7, 1992, 10:00 a.m.: 15 IR 717; errata filed Mar 3, 1992, 1:34 p.m.: 15 IR 1223; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1-16 Definition of "boarding home for day-time care to children" (Repealed)

Sec. 16. *(Repealed by Division of Family and Children; filed Nov 14, 1991, 1:00 p.m.: 15 IR 505)*

470 IAC 3-1-17 Foster family; day-time care; requirements (Repealed)

Sec. 17. *(Repealed by Division of Family and Children; filed Nov 14, 1991, 1:00 p.m.: 15 IR 505)*

470 IAC 3-1-18 Housing; day-time care; standards and requirements (Repealed)

Sec. 18. *(Repealed by Division of Family and Children; filed Nov 14, 1991, 1:00 p.m.: 15 IR 505)*

470 IAC 3-1-19 Sanitation; day-time care (Repealed)

Sec. 19. *(Repealed by Division of Family and Children; filed Nov 14, 1991, 1:00 p.m.: 15 IR 505)*

470 IAC 3-1-20 Health; day-time care; communicable disease; medical treatment and illness; health regulations (Repealed)

Sec. 20. *(Repealed by Division of Family and Children; filed Nov 14, 1991, 1:00 p.m.: 15 IR 505)*

470 IAC 3-1-21 Food; day-time care (Repealed)

Sec. 21. *(Repealed by Division of Family and Children; filed Nov 14, 1991, 1:00 p.m.: 15 IR 505)*

470 IAC 3-1-22 Personal care of child; day-time care; supervision; education; religion (Repealed)

Sec. 22. *(Repealed by Division of Family and Children; filed Nov 14, 1991, 1:00 p.m.: 15 IR 505)*

470 IAC 3-1-23 Staff for day-time care of more than six children (Repealed)

Sec. 23. *(Repealed by Division of Family and Children; filed Nov 14, 1991, 1:00 p.m.: 15 IR 505)*

470 IAC 3-1-24 Housing; additional requirements for day-time care of more than six children and not more than ten children (Repealed)

Sec. 24. *(Repealed by Division of Family and Children; filed Nov 14, 1991, 1:00 p.m.: 15 IR 505)*

470 IAC 3-1-25 Health; additional requirements for day-time care of more than six children; isolation; examination (Repealed)

Sec. 25. *(Repealed by Division of Family and Children; filed Nov 14, 1991, 1:00 p.m.: 15 IR 505)*

470 IAC 3-1-26 Personal care of the child; additional requirements for day-time care of more than six children; program of activities (Repealed)

Sec. 26. *(Repealed by Division of Family and Children; filed Nov 14, 1991, 1:00 p.m.: 15 IR 505)*

Rule 1.1. Child Care Homes

470 IAC 3-1.1-0.5 Minimum standards
Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 0.5. This rule represents the minimum standards necessary to operate a child care home in the state of Indiana, developed under the authority of IC 12-17.2. These rules apply to the home during hours of operation as a child care home. The purpose of these rules is to protect and promote the health and safety of children in care and to support families as consumers of child care services. First and foremost, child care is the responsibility and choice of the parent. Many child care advocates, providers, licensing specialists, and parents participated in the development of these rules. *(Division of Family and Children; 470 IAC 3-1.1-0.5; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3057; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-1 "Applicant" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 1. As used in this rule, "applicant" means a person who applies for a license to operate a child care home. *(Division of Family and Children; 470 IAC 3-1.1-1; filed Nov 14, 1991, 1:00 p.m.: 15 IR 494; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3057; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-2 "Assistant caregiver" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 2. As used in this rule, "assistant caregiver" means a person eighteen (18) years of age or older who works in a child care home under the direct supervision of the caregiver. *(Division of Family and Children; 470 IAC 3-1.1-2; filed Nov 14, 1991, 1:00 p.m.: 15 IR 494; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3057; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-3 "Attendance" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 3. As used in this rule, "attendance" means the total number of children present at any one (1) time at the child care home. *(Division of Family and Children; 470 IAC 3-1.1-3; filed Nov 14, 1991, 1:00 p.m.: 15 IR 494; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3058; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-4 "Caregiver" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 4. As used in this rule, "caregiver" means a person eighteen (18) years of age or older who is responsible for the direct care, protection, and supervision of children in a child care home. The caregiver supervises assistant, student assistant, and volunteer caregivers. *(Division of Family and Children; 470 IAC 3-1.1-4; filed Nov 14, 1991, 1:00 p.m.: 15 IR 494; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3058; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-4.5 "CDFC" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 4.5. As used in this rule, "CDFC" means the central office of the Indiana division of family and children. *(Division of Family and Children; 470 IAC 3-1.1-4.5; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3058; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-5 "CDPW" defined (Repealed)

Sec. 5. *(Repealed by Division of Family and Children; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3073)*

470 IAC 3-1.1-6 "Child care" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 6. As used in this rule, "child care" means a service for families on behalf of children and their parents which is designed to supplement daily parental care. *(Division of Family and Children; 470 IAC 3-1.1-6; filed Nov 14, 1991, 1:00 p.m.: 15 IR 494; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3058; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-7 "Child care home" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 7. (a) As used in this rule, "child care home" means a residential structure in which at least six (6) children (not including

the children for whom the provider is a parent, stepparent, guardian, custodian, or other relative) at any time receive child care from a provider:

(1) while unattended by a parent, legal guardian, or custodian;

(2) for regular compensation; and

(3) for more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays.

The term does not include a child care center.

(b) The term includes the following:

(1) A Class I child care home.

(2) A Class II child care home.

(Division of Family and Children; 470 IAC 3-1.1-7; filed Nov 14, 1991, 1:00 p.m.: 15 IR 494; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3058; errata filed Aug 7, 1996, 11:10 a.m.: 19 IR 3471; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-1.1-7.1 "Child to staff ratio" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 7.1. As used in this rule, "child to staff ratio" means the maximum number of children permitted per direct child care provider. *(Division of Family and Children; 470 IAC 3-1.1-7.1; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3058; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-7.2 "Class I child care home" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 7.2. (a) As used in this rule, "Class I child care home" means a child care home that serves any combination of full-time and part-time children, not to exceed at any one (1) time twelve (12) children plus three (3) children during the school year only who are enrolled in at least grade one (1). The addition of three (3) school aged children may not occur during a break in the school year that exceeds four (4) weeks.

(b) A child:

(1) for whom a provider of care is a parent, stepparent, guardian, custodian, or other relative; and

(2) who is at least seven (7) years of age;

shall not be counted in determining whether the child care home is within the limit set forth in subsection (a). *(Division of Family and Children; 470 IAC 3-1.1-7.2; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3059; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-7.3 "COFC" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 7.3. As used in this rule, "COFC" means the county office of family and children in the county in which the child care home is located. *(Division of Family and Children; 470 IAC 3-1.1-7.3; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3059; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-7.4 "Design professional" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 7.4. As used in this rule, "design professional" means:

(1) an architect;

(2) an engineer; or

(3) other professional;
who is approved to file building plans and is qualified to determine if a structure meets the definition of a residential structure. *(Division of Family and Children; 470 IAC 3-1.1-7.4; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3059; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-8 "Direct child care provider" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 8. As used in this rule, "direct child care provider" means any individual who provides child care services to children. This term includes the following:
(1) Licensee, when acting as caregiver.
(2) Caregiver, assistant caregivers, and student assistants.
(3) A volunteer.
(Division of Family and Children; 470 IAC 3-1.1-8; filed Nov 14, 1991, 1:00 p.m.: 15 IR 495; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3059; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-1.1-9 "Discipline" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 9. As used in this rule, "discipline" means training which corrects inappropriate behavior. *(Division of Family and Children; 470 IAC 3-1.1-9; filed Nov 14, 1991, 1:00 p.m.: 15 IR 495; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3059; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-10 "Infant" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 10. As used in this rule, "infant" means a child from birth to twelve (12) months of age. *(Division of Family and Children; 470 IAC 3-1.1-10; filed Nov 14, 1991, 1:00 p.m.: 15 IR 495; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-11 "License" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 11. As used in this rule, "license" means a document issued by the CDFC authorizing the operation of a child care home at a specific location for a specific duration and specifying the number of children for whom child care services may be provided. *(Division of Family and Children; 470 IAC 3-1.1-11; filed Nov 14, 1991, 1:00 p.m.: 15 IR 495; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3059; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-12 "Licensee" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 12. As used in this rule, "licensee" means an individual or corporation who is licensed to operate a child care home. A licensee may be licensed to operate more than one (1) child care home. The licensee may be the caregiver for only one (1) child care home at a time. *(Division of Family and Children; 470 IAC 3-1.1-12; filed Nov 14, 1991, 1:00 p.m.: 15 IR 495; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3059; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-12.5 "Probationary license" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 12.5. (a) As used in this rule, "probationary license" means a document issued to a child care home licensee who is temporarily unable to comply with this rule. The CDFC may grant a probationary license if:

(1) the noncompliance does not present an immediate threat to the health and well-being of the children;

(2) the licensee files a plan with the COFC to correct the areas of noncompliance within the probationary period; and

(3) the COFC approves the plan.

(b) The COFC shall act upon a plan of correction within thirty (30) days of receipt.

(c) A probationary license is valid for not more than six (6) months. The CDFC may extend a probationary license for one (1) additional period of six (6) months.

(d) An existing license is invalidated when a probationary license is issued.

(e) Upon receipt of a probationary license, the licensee shall return to the COFC the previously issued license.

(f) At the expiration of the probationary license, the CDFC shall:

(1) reinstate the original license to the end of the original term of the license;

(2) issue a new license; or

(3) revoke the license.

(Division of Family and Children; 470 IAC 3-1.1-12.5; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3060; errata filed Aug 7, 1996, 11:10 a.m.: 19 IR 3471; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-1.1-13 "Protected outdoor play area" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 13. As used in this rule, "protected outdoor play area" means an area that is safely enclosed by either a fence or natural boundaries. *(Division of Family and Children; 470 IAC 3-1.1-13; filed Nov 14, 1991, 1:00 p.m.: 15 IR 495; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-14 "Provisional license" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 14. As used in this rule, "provisional license" means a document issued to a child care home licensee whose services are needed but who is not able to demonstrate compliance with a rule because the child care home is not in full operation. A provisional license may be issued for a period not to exceed twelve (12) months and is subject to review every three (3) months. *(Division of Family and Children; 470 IAC 3-1.1-14; filed Nov 14, 1991, 1:00 p.m.: 15 IR 495; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3060; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-15 "Relatives" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 15. As used in this rule, "relatives" means a relationship to an individual who is less than eighteen (18) years of age by marriage, blood, or adoption, including parents, grandparents, brothers, sisters, stepparents, stepgrandparents, stepsisters, stepbrothers, uncles, aunts, and first cousins. *(Division of Family and Children; 470 IAC 3-1.1-15; filed Nov 14, 1991, 1:00 p.m.: 15 IR 495; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3060; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-16 "Residential structure" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 16. (a) As used in this rule, "residential structure" means a dwelling unit as that term is defined in 675 IAC 14-4 *[675 IAC 14-4 was repealed filed Oct 30, 1997, 12:45 p.m.: 21 IR 1003.]*. It may be the applicant's or licensee's own residence.

(b) If the applicant, or any person, does not presently physically reside in the structure, the applicant or licensee shall provide documentation by a design professional that the structure qualifies as a residential structure before a license for a child care home may be issued.

(c) Licensed child care homes that hold a regular license with the CDFC on the effective date of this rule are exempt from meeting the requirements of subsection (b). *(Division of Family and Children; 470 IAC 3-1.1-16; filed Nov 14, 1991, 1:00 p.m.: 15 IR 495; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3060; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-17 "Sanitize" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 17. As used in this rule, "sanitize" means to destroy disease causing organisms by chemical or mechanical means, including, but not limited to, a chemical means of using one (1) teaspoon of bleach per gallon of water. *(Division of Family and Children; 470 IAC 3-1.1-17; filed Nov 14, 1991, 1:00 p.m.: 15 IR 496; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-18 "SDPW" defined (Repealed)

Sec. 18. *(Repealed by Division of Family and Children; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3073)*

470 IAC 3-1.1-19 "SFM" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 19. As used in this rule, "SFM" means the office of the state fire marshal in the department of fire and building services. *(Division of Family and Children; 470 IAC 3-1.1-19; filed Nov 14, 1991, 1:00 p.m.: 15 IR 496; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-20 "Student assistant" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 20. As used in this rule, "student assistant" means an individual fourteen (14) years of age through seventeen (17) years of age who works in a child care home under the direct supervision of the caregiver. *(Division of Family and Children; 470 IAC 3-1.1-20; filed Nov 14, 1991, 1:00 p.m.: 15 IR 496; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3060; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-21 "Toddler" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 21. As used in this rule, "toddler" means a child from twelve (12) months of age through twenty-four (24) months of age. *(Division of Family and Children; 470 IAC 3-1.1-21; filed Nov 14, 1991, 1:00 p.m.: 15 IR 496; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-22 "Variance" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 22. As used in this rule, "variance" means official permission granted by the CDFC to meet the intent of a specific rule in a way other than specified by the rule. *(Division of Family and Children; 470 IAC 3-1.1-22; filed Nov 14, 1991, 1:00 p.m.: 15 IR 496; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3060; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-22.5 "Volunteer" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 22.5. As used in this rule, "volunteer" means a direct child care provider who is not paid. If the volunteer is counted in the child to staff ratio, he or she must be fourteen (14) years of age or older and must meet the same requirements as paid personnel. *(Division of Family and Children; 470 IAC 3-1.1-22.5; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3061; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-23 "Waiver" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 23. As used in this rule, "waiver" means official permission granted by the CDFC to be exempted from meeting a specific rule. *(Division of Family and Children; 470 IAC 3-1.1-23; filed Nov 14, 1991, 1:00 p.m.: 15 IR 496; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3061; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-24 Child care home maximum capacity
Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 24. A maximum of fifteen (15) children who are less than eleven (11) years of age may be present in the Class I child care home at any one (1) time during any part of the day. This number includes the caregiver's own children, related children, unrelated children, and any part-time child care children present. *(Division of Family and Children; 470 IAC 3-1.1-24; filed Nov 14, 1991, 1:00 p.m.: 15 IR 496; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3061; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-25 Minimum standards (Repealed)

Sec. 25. *(Repealed by Division of Family and Children; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3073)*

470 IAC 3-1.1-26 Exemption from licensure
Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 26. Licensing is not required for a child care home if the provider:
(1) does not receive regular compensation;
(2) cares only for children who are related to the provider;
(3) cares for less than six (6) children, not including children for whom the provider is a parent, stepparent, guardian, custodian, or other relative; or
(4) operates to serve migrant children.
(Division of Family and Children; 470 IAC 3-1.1-26; filed Nov 14, 1991, 1:00 p.m.: 15 IR 496; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3061; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-1.1-27 Application for licensure

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 27. Application for a license to operate a child care home must be submitted by the applicant every two (2) years to the COFC on forms provided for that purpose by the CDFC. *(Division of Family and Children; 470 IAC 3-1.1-27; filed Nov 14, 1991, 1:00 p.m.: 15 IR 497; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3061; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-28 Initial licensure

Authority: IC 12-13-5-3
Affected: IC 5-2-12; IC 12-17.2

Sec. 28. (a) An applicant for a child care home license shall do the following:
(1) Attend an orientation training arranged or approved by the CDFC.
(2) Comply with application procedures required by this rule.
(3) Submit to the COFC a completed, signed application for a child care home license, including attachments required to demonstrate compliance with this rule.
(4) Submit a statement attesting that the applicant has not been:
(A) convicted of a felony or a misdemeanor relating to the health and safety of children; and
(B) charged with:
(i) a felony; or
(ii) a misdemeanor relating to the health and safety of children;
during the pendency of the application.
(5) Within thirty (30) days of application, submit a written medical statement, including proof of a Mantoux tuberculin test or chest x-ray, signed by a physician or a certified nurse practitioner. (Refer to section 34 of this rule.)
(6) Submit a water quality test as required by section 47(b) of this rule.
(b) The COFC shall do the following:
(1) Conduct a criminal history check on the applicant and the applicant's spouse.
(2) Conduct a check of the applicant, the applicant's spouse, and any others living in the home to determine whether their name appears on the sex offender registry, IC 5-2-12 et seq.
(3) Schedule a visit to the home during normal business hours and complete a child care home inspection checklist.
(4) Submit a written recommendation for child care home licensure to the CDFC based upon the home inspection checklist and the documents submitted by the applicant under subsection (a).
(5) The COFC shall return an incomplete application to applicant(s) with a notation as to omissions and without acting on the application.
(c) The CDFC shall approve or deny the application for child home care licensure within sixty (60) days of the date the application is received by the COFC. *(Division of Family and Children; 470 IAC 3-1.1-28; filed Nov 14, 1991, 1:00 p.m.: 15 IR 497; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3061; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-28.5 Annual inspection

Authority: IC 12-13-5-3
Affected: IC 5-2-12; IC 12-17.2

Sec. 28.5. (a) The COFC will send a letter of request to the licensee for an information update which includes the name of the licensee, the name of the caregiver, the address and phone number of the child care home, and the license expiration date.
(b) The COFC shall make an annual visit to the home during normal business hours and will complete a limited inspection checklist.
(c) The caregiver shall maintain and make available verification of the following:
(1) Annual Mantoux tuberculin test or chest x-ray for direct child care providers and all family members over eighteen (18) years of age.

(2) Criminal history checks conducted for direct child care providers and family members and others over eighteen (18) years of age living in the home.
(3) Conduct a check of the applicant, the applicant's spouse, and any others living in the home to determine whether their name appears on the sex offender registry, IC 5-2-12 et seq.
(4) Notification of the local fire department.
(5) Certification of current first aid training and annual CPR certification for direct child care providers.
(6) Water quality test as required by section 47(b) of this rule.
(Division of Family and Children; 470 IAC 3-1.1-28.5; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3062; errata filed Aug 7, 1996, 11:10 a.m.: 19 IR 3471; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-1.1-29 Relicensure
Authority: IC 12-13-5-3
Affected: IC 5-2-12; IC 12-17.2

Sec. 29. (a) The licensee shall submit to the COFC the following prior to relicensure:
(1) A new application completed and signed by the applicant.
(2) Written proof of an annual Mantoux tuberculin test or chest x-ray as required. (Refer to section 34 of this rule.)
(3) Attachments required to demonstrate compliance of this rule.
(4) A statement by the applicant attesting that the applicant has not been:
(A) convicted of a felony or a misdemeanor relating to the health and safety of children; and
(B) charged with:
(i) a felony; or
(ii) a misdemeanor relating to the health and safety of children;
during the pendency of the application.
(5) Water quality testing as required by section 47(b) of this rule.
(b) The COFC shall do the following:
(1) Conduct a criminal history check on the applicant and the applicant's spouse.
(2) Conduct a check of the applicant, the applicant's spouse, and any others living in the home to determine whether their name appears on the sex offender registry, IC 5-2-12 et seq.
(3) Schedule a visit to the home during normal business hours and complete a child care home inspection checklist.
(4) Submit a written recommendation for child care home licensure to the CDFC based upon the completed home inspection checklist and the documents submitted by the applicant under subsection (a).
(c) The CDFC shall approve or deny the application for child care licensure within sixty (60) days of the date the application is received by COFC. *(Division of Family and Children; 470 IAC 3-1.1-29; filed Nov 14, 1991, 1:00 p.m.: 15 IR 497; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3062; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-29.5 License provisions
Authority: IC 12-13-5-3
Affected: IC 12-17.2-5-12

Sec. 29.5. (a) A child care home license is valid for two (2) years unless revoked, suspended by the CDFC, or voluntarily surrendered.
(b) The number of children cared for at any one (1) time shall not exceed the licensed capacity.
(c) The license is valid only for the name and location on the license and is not transferable.
(d) The license shall be publicly displayed in the home. (IC 12-17.2-5-12(c))
(e) Whenever an applicant applies for multiple licenses located within the same structure or building, a signed statement from a design professional must be submitted certifying that each child care home to be licensed meets the state building code requirements for the proposed use which apply to fire and safety issues. Certification must include any modifications required to comply with the state building code requirements for the multiple occupancies requested.
(f) If two (2) or more licensed child care homes are contiguously located within the same residential structure, each licensed

facility must be separated by a two (2) hour fire resistive wall between each licensee.

(g) Whenever an applicant applies for multiple licenses located within the same structure or building, each home must meet the requirements of licensure as independent homes.

(h) Multiple child care homes under one (1) roof which utilize a private well will also be subject to the water testing requirements of 327 IAC 8 whenever twenty-five (25) or more people are present.

(i) Licensees who hold a regular or provisional license upon the effective date of this rule are exempted from meeting the requirements of subsections (f) and (g). *(Division of Family and Children; 470 IAC 3-1.1-29.5; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3063; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-30 Appeals

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 30. Any individual, firm, corporation, association, or political subdivision whose license has been denied, revoked, or suspended may appeal the action of the CDFC by filing a written request for hearing with the CDFC within thirty (30) days of receipt of an official notice from the CDFC of such denial, suspension, or revocation. *(Division of Family and Children; 470 IAC 3-1.1-30; filed Nov 14, 1991, 1:00 p.m.: 15 IR 497; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3063; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-31 Incomplete application

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 31. (a) An incomplete application shall be returned to the applicant with a notation as to omissions.

(b) The return of an incomplete application shall be without prejudice. *(Division of Family and Children; 470 IAC 3-1.1-31; filed Nov 14, 1991, 1:00 p.m.: 15 IR 497; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3063; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-32 Documentation requirements

Authority: IC 12-13-5-3
Affected: IC 5-2-12; IC 12-17.2

Sec. 32. (a) The licensee shall maintain the following documentation in the child care home for review by the COFC:

(1) Record of initial physical examination of direct child care providers documenting that they are free of communicable disease.

(2) Record of annual Mantoux tuberculin test or chest x-ray of direct child care provider which documents that they are free of tuberculosis.

(3) Documentation of criminal history checks on employees, volunteers, and all household members who are at least eighteen (18) years of age.

(4) Conduct a check of the applicant, the applicant's spouse, and any others living in the home to determine whether their name appears on the sex offender registry, IC 5-2-12 et seq.

(5) Documentation of certification of a current first aid course, training in “Universal Precautions”, and annual CPR certification by direct child care providers.

(6) Enrollment form for each child receiving services which shall include the following:

(A) Child's name and date of birth.

(B) Name, address, home and work telephone numbers of the child's parent or legal guardian.

(C) The telephone number of a responsible adult in case of emergency.

(D) The names of adults authorized to pick the child up from the home.

(7) Release for emergency medical care for each child signed by the child's parent or legal guardian.

(8) Statement as described in section 37(b) of this rule regarding each child's general health within thirty (30) days of

admission.

(9) Written permission from a parent or legal guardian that the child may participate in activities away from the child care home.

(10) Written statement of the licensee's discipline policy signed by the child's parent or legal guardian.

(11) Daily attendance records for children in the child care home which shall be maintained for at least two (2) years at the child care home site.

(12) Annual vaccination records for animals subject to rabies.

(13) Record of dates of quarterly fire drills which shall be maintained for at least two (2) years.

(14) Written plan of evacuation for the child care home in case of emergency.

(b) Licensee shall keep records regarding each child as required by this rule. Upon request of the COFC, the licensee shall make these records available for review:

(1) to determine compliance with these rules; and

(2) when information is needed in a child protection investigation.

(c) The CDFC shall keep records regarding children and facts learned about children and their families confidential, and such records shall not be removed from the home except as needed in a negative licensing action or a child protective services (CPS) investigation. *(Division of Family and Children; 470 IAC 3-1.1-32; filed Nov 14, 1991, 1:00 p.m.: 15 IR 498; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3064; errata filed Aug 7, 1996, 11:10 a.m.: 19 IR 3472; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-33 Staff requirements

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 33. (a) The licensee may be the caregiver for no more than one (1) child care home. If a licensee operates more than one (1) child care home, the licensee shall maintain or employ a caregiver in each additional child care home.

(b) The assistant caregiver shall work under the direct supervision of the caregiver. If an assistant caregiver under twenty-one (21) years of age is left in charge of a child care home, the parent must be notified in writing.

(c) Student assistants and volunteers shall work under the direct supervision of a caregiver and shall not be left in charge of a child care home. *(Division of Family and Children; 470 IAC 3-1.1-33; filed Nov 14, 1991, 1:00 p.m.: 15 IR 498; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3064; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-33.5 Staff orientation, training, and development

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 33.5. (a) Direct child care providers, including volunteers, shall receive training in fire prevention and safety procedures within one (1) week of starting employment or volunteer work.

(b) Direct child care providers, including volunteers, shall receive training in the following within thirty (30) days of starting employment or volunteer work:

(1) The child care home inspection checklist.

(2) Confidential treatment of personal information about children in care and their families.

(3) Procedures for preventing, detecting, and reporting suspected child abuse and neglect.

(4) Universal precautions.

(c) Direct child care providers shall complete a first aid course every three (3) years which includes training for the emergency treatment of poisoning, seizures, hemorrhaging, and choking. The course must also include training in artificial respiration. Training shall be completed within ninety (90) days of starting employment or volunteer work.

(d) At least one (1) direct child care provider shall be trained in pediatric cardiopulmonary resuscitation training annually and shall be on the premises at all times. *(Division of Family and Children; 470 IAC 3-1.1-33.5; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3065; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-34 Medical requirements

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 34. (a) Direct child care providers who work in the home more than three (3) times a month and all members of the household having direct contact with children receiving care shall have an initial physical examination by a physician or certified nurse practitioner indicating that they are free from communicable disease, have no physical or other condition which would endanger the health or welfare of children in care, and have an annual Mantoux tuberculin test or chest x-ray.

(b) The requirements stated in subsection (a) shall not be required for direct child care providers who present a signed statement to the COFC that their religious beliefs preclude compliance with the aforementioned medical requirements. The licensee shall provide written notice to the parents or legal guardians enrolling their children in the child care home that a religious exemption statement has been filed with the COFC by the child care provider.

(c) The above requirements shall be met within thirty (30) days of application. *(Division of Family and Children; 470 IAC 3-1.1-34; filed Nov 14, 1991, 1:00 p.m.: 15 IR 498; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3065; errata filed Aug 7, 1996, 11:10 a.m.: 19 IR 3472; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-35 Reporting abuse, injury, illness, death, or emergency event

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 35. (a) The caregiver shall report immediately suspected physical abuse, sexual abuse, child neglect, or child exploitation as required by IC 31-6-11-3 *[IC 31-6 was repealed by P.L.268-1995, SECTION 17, effective July 1, 1995.]* to child protection services (CPS) or local law enforcement.

(b) A substantiated case of abuse or neglect in a child care home constitutes full and sufficient grounds for denial or revocation of the child care home license. *(Division of Family and Children; 470 IAC 3-1.1-35; filed Nov 14, 1991, 1:00 p.m.: 15 IR 499; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3066; errata filed Aug 7, 1996, 11:10 a.m.: 19 IR 3472; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-36 Child/staff ratio (Repealed)

Sec. 36. *(Repealed by Division of Family and Children; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3073)*

470 IAC 3-1.1-36.5 Child to staff ratio

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 36.5. (a) The maximum capacity in a Class I child care home shall be twelve (12) children at any one (1) time plus three (3) children during the school year who are enrolled in at least Grade 1. The addition of three (3) school age children may not occur during a break in the school year that exceeds four (4) weeks.

(b) Children shall not be left unattended and shall be supervised at all times.

(c) Only direct child care providers shall be counted in determining the child to staff ratio.

(d) The ratio shall include all unrelated children present in the home.

(e) The following child to staff ratios apply:

Type of Home	Child:Staff Ratio
Infant/Toddler Mixed (Birth–24 months)	6:1*
*Two (2) of the six (6) children must be at least sixteen (16) months of age and walking. Otherwise the ratio is 4:1.	
Mixed Age Groups (Birth–6 years)	10:1*
*No more than three (3) of the ten (10) children may be under sixteen (16) months of age and must be walking.	

3 years and older
(3–10 years) 12:1

(Division of Family and Children; 470 IAC 3-1.1-36.5; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3066; errata filed Aug 7, 1996, 11:10 a.m.: 19 IR 3472; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-1.1-37 Requirements for admission to the home

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 37. (a) Prior to acceptance of children, the caregiver shall have the parent or legal guardian:

(1) complete and sign an enrollment form for the child;

(2) complete and sign a release for emergency medical care for the child;

(3) sign a copy of the licensee's written discipline policy; and

(4) see all areas of the home and property to be used for child care.

(b) Within thirty (30) days of a child's admission, the licensee shall receive a written statement from the child's parent or legal guardian signed by a physician or a certified nurse practitioner which states the following:

(1) That the child can participate in the child care home's activities.

(2) That the child has had immunizations which are up-to-date for the child's age.

(3) Whether the child has allergies or any chronic health conditions.

(c) Caregiver shall inform the parent or legal guardian of their right to request in writing an exemption of the medical requirements as required by this section based upon their religious beliefs. Nothing in this subsection precludes the child care home from using emergency measures to treat such a child by first aid techniques or to exclude the child where control of a contagious disease may be necessary.

(d) A child shall not be required to comply with subsection (b)(2) and (b)(3) when the parent or legal guardian has provided a signed statement regarding religious exemptions to the care home licensee.

(e) Neither licensee nor caregiver shall discriminate relative to the admission of children on the basis of race, color, religion, sex, national origin, ancestry, or handicap.

(f) Caregiver shall inform the parent or legal guardian that unscheduled visits by a custodial parent or guardian shall be permitted at any time the child care home is in operation. *(Division of Family and Children; 470 IAC 3-1.1-37; filed Nov 14, 1991, 1:00 p.m.: 15 IR 499; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3066; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-38 Activities for healthy development

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 38. (a) The caregiver shall provide activities according to the age, developmental needs, interests, and number of children in care while including both active and quiet play which may consist of safe, age-appropriate toys, games, and equipment for both indoor and outdoor play.

(b) Opportunity shall be provided for children to play outdoors daily except when:

(1) the severity of the weather poses a safety or health hazard; or

(2) when there is a health related reason documented by a parent, legal guardian, or physician for a child to remain indoors. *(Division of Family and Children; 470 IAC 3-1.1-38; filed Nov 14, 1991, 1:00 p.m.: 15 IR 500; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3067; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-39 Swimming

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 39. (a) The caregiver shall be physically present at the swimming or wading pool to supervise when the children in care are swimming or wading.

(b) At least one (1) direct child care provider shall be available to supervise any children not swimming or wading in addition to staff requirements in section 36.5 of this rule.

(c) Child care providers shall empty portable wading pools immediately after use.

(d) All inground or nonportable aboveground swimming pools accessible to children shall be in compliance with local zoning ordinances and surrounded by a fence secured with a locked gate to prevent children from entering the area unsupervised. *(Division of Family and Children; 470 IAC 3-1.1-39; filed Nov 14, 1991, 1:00 p.m.: 15 IR 500; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3067; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-40 Transportation and activities away from the child care home

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 40. (a) Caregiver shall obtain written parental permission before taking a child away from the child care home for field trips or any other activities.

(b) Children may be transported by an individual eighteen (18) years of age or older having a valid driver's license and driving a properly licensed and insured vehicle in safe condition.

(c) Children shall be transported in safety restraint equipment that is in compliance with state laws.

(d) Direct child care providers shall not leave children unattended in a vehicle. *(Division of Family and Children; 470 IAC 3-1.1-40; filed Nov 14, 1991, 1:00 p.m.: 15 IR 500; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3067; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-41 Discipline

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 41. (a) The licensee shall provide the parent or legal guardian with a written copy of the discipline policy of the child care home.

(b) The following behavior shall be prohibited by all direct child care providers:

(1) Cruel, harsh, or unusual punishment.

(2) Withdrawal or the threat of withdrawal of scheduled meals or snacks, rest, or bathroom opportunities.

(Division of Family and Children; 470 IAC 3-1.1-41; filed Nov 14, 1991, 1:00 p.m.: 15 IR 500; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3067; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-1.1-42 Nutrition

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 42. (a) Appropriately timed, nutritious meals and snacks shall be made available in such quantity as to meet the needs of each child.

(b) Drinking water shall be available at all times. *(Division of Family and Children; 470 IAC 3-1.1-42; filed Nov 14, 1991, 1:00 p.m.: 15 IR 501; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3068; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-43 Sleep and rest

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 43. (a) A separate bed, cot, mat, or sleeping bag shall be provided for each child.

(b) A period for sleep, rest, or quiet time shall be provided during the day for children under five (5) years of age consistent with the needs of the child and in accordance with the wishes of the parent. *(Division of Family and Children; 470 IAC 3-1.1-43; filed Nov 14, 1991, 1:00 p.m.: 15 IR 501; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3068; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR*

4235)

470 IAC 3-1.1-44 Health
Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 44. (a) The child care home must keep a Red Cross First Aid Manual or its equivalent in the child care home.

(b) The caregiver must maintain a first aid kit (as recommended by the American Red Cross First Aid Manual or its equivalent), including, but not limited to, syrup of ipecac with current date, in the child care home.

(c) Child care providers shall see that children's hands are washed at a sink with soap and warm running water before meals and snacks and after toilet use. Direct child care providers shall not permit children to use a common washcloth or towel.

(d) If a child is ill, direct child care providers shall:

(1) care for the child in an area separate from the other children;

(2) notify the child's parent or legal guardian; and

(3) monitor the child until the parent or legal guardian arrives.

(e) The caregiver shall keep the phone numbers of the ambulance, police, fire department, poison control center, and nearest hospital by the telephone.

(f) Child care providers shall give or apply medication only with prior written permission from a parent or legal guardian, and only with clear, written instructions as to the dosage, time, and reason medication is to be given. Medication must be labeled with the child's name, physician's name, and pharmacy. Over-the-counter medication must also be labeled with the child's name. The caregiver shall keep a record of the date, time, and dosage of medication given.

(g) Pets must present no danger to children in the child care setting and are the sole responsibility of the child care home licensee.

(h) Direct child care providers shall restrict all animals from food areas during preparation and serving of food. *(Division of Family and Children; 470 IAC 3-1.1-44; filed Nov 14, 1991, 1:00 p.m.: 15 IR 501; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3068; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-45 General environment
Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 45. (a) The licensee shall ensure that no conditions exist in the home or on the grounds where child care services are provided that would endanger the health, safety, or welfare of the children.

(b) The licensee shall identify areas in the home that will be used for child care. The child care areas shall contain adequate space for child play and rest for the number of children in care.

(c) The licensee shall maintain a working telephone in the child care home and shall inform the COFC of any change in telephone number.

(d) The licensee shall provide a protected outdoor play area that is safely enclosed by either a fence or natural boundaries for children in care.

(e) The licensee shall ensure that the child care home is equipped with heat, light, and ventilation for normal occupancy.

(f) The licensee shall ensure that the kitchen is equipped with:

(1) a stove and oven or microwave;

(2) a refrigerator; and

(3) a sink with hot and cold running water;

in operating condition sufficient to accommodate the food requirements of the number of children in care. *(Division of Family and Children; 470 IAC 3-1.1-45; filed Nov 14, 1991, 1:00 p.m.: 15 IR 502; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3069; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-46 Fire prevention

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 46. (a) All child care homes shall have two (2) remotely located means of egress.

(b) A basement area in which child care services are provided shall have a direct exit at ground level not involving stairs or ramps. The interior staircase serving the first floor is acceptable as the second exit for a basement in which child care services are provided. An example of an allowable exit is a level area directly outside the exterior door that is at least thirty-two (32) square feet. This area may be a porch, deck, or stairway landing. Bi-level and tri-level homes which are licensed and hold a regular license with the division of family and children, as of the effective date of this section, are exempt.

(c) Each room of the home where child care services are provided is required to have at least two (2) means of escape (this may include one (1) window and one (1) door).

(d) All approved exit doors shall be operable from the inside without the use of a key or any special knowledge.

(e) A sliding glass door shall be acceptable as a direct exit provided that it is unobstructed, operable, and maintained in good working condition. If a screen door is attached, it shall meet the same criteria as the sliding door.

(f) A garage or any other area where hazardous materials are stored shall not be considered an approved exit.

(g) Exits shall not be blocked in the child care home.

(h) Portable, unvented oil-burning heating appliances shall not be used unless the heater complies with 675 IAC 22.

(i) Electric or gas heaters and solid fuel-burning appliances shall not be located in such a manner that they block escape in case of fire arising from a malfunctioning stove, heater, or appliance.

(j) When a fireplace serves as the primary source of heat, licensee shall provide glass doors, noncombustible hearth, grates, and proper fireplace tools for each fireplace in use while children are present. Child care providers shall ensure proper positioning of glass doors. If a fireplace is used at any time, it shall have a noncombustible hearth, screening, and grate. Licensee shall have the chimney flue inspected annually and cleaned if recommended. Licensee shall retain a written record of the inspections and cleanings for each fireplace used while children are present.

(k) Caregiver shall properly dispose of ashes from the fireplace in a noncombustible, covered receptacle which shall then be placed on the ground and away from any building or combustibles.

(l) Licensee shall provide electrical or battery-operated smoke detector that is installed to manufacturers' specifications and is located and adjusted to operate reliably in case of smoke in any part of the child care home, including not less than one (1) smoke detector at the top of each stairway and adjacent to all sleeping areas. The alarm should be loud enough to alert all occupants in the child care home.

(m) Licensee shall provide a two and one-half (2½) pound or greater ABC multiple purpose fire extinguisher which shall be located on each floor of the building in which child care services are provided, including an additional extinguisher located in the kitchen area of the child care home.

(n) Caregiver shall not permit trash, flammable, and combustible materials, including, but not limited to, paper and rags to accumulate upon the premises.

(o) Direct child care providers shall store flammable liquids in tightly sealed, marked containers appropriate to the type of liquid being stored. Direct child care providers shall store no more than five (5) gallons of flammable liquids at any one (1) time in buildings used for child care and shall store all flammable liquids, lighters, and matches in an area inaccessible to children or in an approved fire cabinet.

(p) Direct child care providers shall not store combustible material within five (5) feet of furnaces and water heaters.

(q) The licensee shall identify the location and operation of the gas, electric, and water shut-offs and keep accessible the gas, electric, and water shut-offs in case of emergency.

(r) The caregiver shall have a written plan for evacuating in case of fire or other emergencies.

(s) The caregiver shall conduct and document quarterly fire drills.

(t) The electrical wiring shall be sized to provide for the load. There must not be exposed or uninsulated wiring. If used, extension cords shall not be overloaded or over six (6) feet in length.

(u) The licensee shall notify the local fire department at the time of application or relicensure of the licensed capacity and the hours of operation of the home.

(v) Caregiver shall promptly notify the local fire departments upon discovery of any fire, whether or not extinguished, and

advise of the circumstances and location of the fire.

(w) Caregiver shall promptly notify the local fire department upon discovery of:

(1) spontaneous or abnormal heating;

(2) any uncontrolled gas leak; or

(3) a significant spill of hazardous material or flammable or combustible liquid.

(x) Licensee shall permit inspection of the child care home by the SFM if requested by the CDFC upon recommendation of the COFC. If such an inspection is requested, approval would be required by the SFM prior to full licensure. *(Division of Family and Children; 470 IAC 3-1.1-46; filed Nov 14, 1991, 1:00 p.m.: 15 IR 502; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3069; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-47 Sanitation

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 47. (a) The licensee shall provide and maintain screens for windows and exterior doors when windows and doors are kept open for ventilation.

(b) The licensee shall ensure that the child care home has hot and cold running water and at least one (1) toilet and sink accessible to children on each floor of the home where services are provided. Water from a source other than a regular municipal water supply shall be tested annually for compliance with water quality requirements.

(c) Direct child care providers shall wash and sanitize all food preparation areas, serving areas, and utensils daily.

(d) Caregiver shall keep garbage in containers with tight-fitting lids and remove it from the premises at least once a week. Waste paper need not be kept in a closed container. *(Division of Family and Children; 470 IAC 3-1.1-47; filed Nov 14, 1991, 1:00 p.m.: 15 IR 503; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3071; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-48 Safety

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 48. (a) Direct child care providers shall keep protective coverings over exposed electrical outlets.

(b) If fans or heaters are used, licensee shall provide models that are protected by safety devices which will not allow a child's fingers to come in contact with the blade or heating element.

(c) Caregiver shall keep poisonous or hazardous materials that would harm children, including, but not limited to:

(1) cleaning supplies;

(2) detergents;

(3) insect sprays; and

(4) medication;

in areas inaccessible to children.

(d) Caregiver shall store implements and tools, including, but not limited to:

(1) power tools;

(2) hand tools; and

(3) gardening tools;

in areas inaccessible to children.

(e) When children are present in the child care home, caregiver shall keep all ammunition and firearms in a locked area that is inaccessible to children at all times. *(Division of Family and Children; 470 IAC 3-1.1-48; filed Nov 14, 1991, 1:00 p.m.: 15 IR 503; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3071; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.1-49 Variances and waivers

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 49. (a) The CDFC may grant a variance to a rule if an applicant for a license or a licensee:
(1) submits to the COFC a written request for the variance in the form and manner specified by the CDFC; and
(2) documents that an alternative method of compliance approved by the CDFC will not be adverse to the health, safety, or welfare of any child receiving services.
(b) The CDFC may grant a waiver of a rule if an applicant for a license or a licensee:
(1) submits to the COFC a written request for the waiver in the form and manner specified by the CDFC;
(2) documents that compliance with the rule specified in the application for the waiver will create an undue hardship on the applicant for the waiver, as determined by the CDFC;
(3) documents that the applicant for the waiver will be in substantial compliance with the rules adopted by the CDFC after the waiver is granted as determined by the CDFC; and
(4) documents that noncompliance with the rule specified in the application for a waiver will not be adverse to the health, safety, or welfare of any child receiving services from the applicant for the waiver, as determined by the CDFC.
(c) The CDFC shall issue a decision on a variance or waiver within sixty (60) days.
(d) Violation of a condition of a variance or a waiver granted under this section may be grounds for denial or revocation of the variance or waiver. *(Division of Family and Children; 470 IAC 3-1.1-49; filed Nov 14, 1991, 1:00 p.m.: 15 IR 503; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3071; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

Rule 1.2. Infant and Toddler Services in a Child Care Home

470 IAC 3-1.2-1 Infant and toddler child care services

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 1. A licensee who provides child care services for infants or toddlers shall meet all the requirements of this rule. If there is any difference in requirements, the specific information contained in this rule shall prevail. *(Division of Family and Children; 470 IAC 3-1.2-1; filed Nov 14, 1991, 1:00 p.m.: 15 IR 504; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3072; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.2-2 "Full-sized crib" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 2. As used in this rule, "full-sized crib" means a child's bed which has an interior dimension greater than fifty-two and three-eighths (52 3/8) inches plus or minus five-eighths (5/8) inch in length, and twenty-eight (28) inches plus or minus five-eighths (5/8) inch in width. With the mattress support in its lowest position and the crib side in its highest position, the vertical distance from the upper surface of the mattress support to the upper surface of the crib side or end panel shall not be less than twenty-six (26) inches. *(Division of Family and Children; 470 IAC 3-1.2-2; filed Nov 14, 1991, 1:00 p.m.: 15 IR 504; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.2-3 "Portacrib" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 3. As used in this rule, "portacrib" means a child's portable bed which has an interior dimension smaller than forty-nine and three-fourths (49 3/4) inches plus or minus five-eighths (5/8) inch in length but not less than thirty-six (36) inches in length, and twenty-five and three-eighths (25 3/8) inches plus or minus five-eighths (5/8) inch in width but not less than twenty-four (24) inches in width. With the mattress support in its lowest position, the vertical distance from the upper surface of the mattress support to the upper surface of the crib side or end panel shall not be less than twenty-two (22) inches. *(Division of Family and Children; 470 IAC 3-1.2-3; filed Nov 14, 1991, 1:00 p.m.: 15 IR 504; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.2-4 Activities for healthy development
Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 4. (a) The caregiver shall have stairways guarded by a gate or closed door.
(b) After discussion with the parent or legal guardian of each infant or toddler in care, caregiver shall:
(1) establish flexible routines for naps, feedings, diapering, and toilet training;
(2) provide opportunities for play and exploration of the environment; and
(3) periodically change the available toys and the place and position of infants not yet able to move about on their own. *(Division of Family and Children; 470 IAC 3-1.2-4; filed Nov 14, 1991, 1:00 p.m.: 15 IR 504; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3072; errata filed Aug 7, 1996, 11:10 a.m.: 19 IR 3472; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.2-5 Naps
Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 5. (a) Licensee shall provide a separate crib, portacrib, or playpen in which each infant or toddler can sleep. Each crib, portacrib, or playpen shall be equipped with a firm-fitting mattress or pad made of waterproof materials. A parent or legal guardian may provide or approve the use of a bassinet for an infant and is responsible along with the caregiver to monitor its use closely. (Manufacturers of bassinets indicate that a bassinet should no longer be used once an infant begins moving and turning unassisted.)
(b) The licensee may use washable cots, sleeping bags, or mats for toddlers over twenty-four (24) months of age. *(Division of Family and Children; 470 IAC 3-1.2-5; filed Nov 14, 1991, 1:00 p.m.: 15 IR 504; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3072; errata filed Aug 7, 1996, 11:10 a.m.: 19 IR 3472; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.2-6 Diaper changing and toilet training
Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 6. (a) The licensee shall provide an area for diaper changing with a washable surface on which the infant or toddler may be placed. The diaper changing surface must have waterproof material between the child and the surface of the changing area. This material shall be changed after each use. The diaper changing area shall be sanitized daily and when soiled.
(b) Licensee shall supply a covered container for wet or soiled diapers.
(c) Direct child care providers changing diapers shall wash their hands with soap and running water after each diaper change.
(d) When a chair designed specifically for toilet training is used, direct child care provider shall empty it after each use and sanitize it at least daily. *(Division of Family and Children; 470 IAC 3-1.2-6; filed Nov 14, 1991, 1:00 p.m.: 15 IR 505; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3072; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-1.2-7 Feeding
Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 7. (a) Direct child care providers shall feed infants and toddlers according to their dietary needs and shall hold infants during bottle feedings until they demonstrate their ability to hold their own bottles.
(b) If more than one (1) infant or toddler in care is bottle fed, all bottles shall be labeled with the child's name.
(c) Direct child care providers shall not prop feeding bottles. *(Division of Family and Children; 470 IAC 3-1.2-7; filed Nov 14, 1991, 1:00 p.m.: 15 IR 505; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3073; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

Rule 1.3. Class II Child Care Homes

470 IAC 3-1.3-1 Class II child care home services
Authority: IC 12-13-5-3
Affected: IC 12-17.2-5-6.5

Sec. 1. A Class II child care home serves more than twelve (12) children but not more than sixteen (16) full-time and part-time children at any one (1) time. A licensee who provides Class II child care shall meet all the requirements of 470 IAC 3-1.1 and 470 IAC 3-1.2 as well as the requirements of this rule. If there is any difference in requirements, the specific information contained in IC 12-17.2-5-6.5 shall prevail. *(Division of Family and Children; 470 IAC 3-1.3-1; filed Sep 27, 1996, 12:35 p.m.: 20 IR 322; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

Rule 2. Licensing of Child Placing Agencies

470 IAC 3-2-1 Definition of child-placing agency or business of placing children
Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 1. Child-Placing Agency or the Business of Placing Children, Definition. A child-placing agency is defined as any person, association or corporation who advertises himself or itself or holds himself or itself out as placing or finding homes for or otherwise disposing of children or who places or assists in placing in homes of persons other than relatives or causes or assists in causing the placement for adoption or disposal otherwise of children.
Sec. 5, Ch. 185, Acts 1945; Burns 22-2420 *(Division of Family and Children; Title 3,Ch 2,Reg 3-201; filed Dec 31, 1948, 10:30 am: Rules and Regs. 1949, p. 339; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-2-2 Application for license for child-placing agency
Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 2. Application for License for Child-Placing Agency. Application for a license to operate a child-placing agency shall be submitted to the State Department of Public Welfare on the forms provided for that purpose by the State Department of Public Welfare.
Sec. 6, Ch. 185, Acts 1945; Burns 22-2421
Sec. 12, Ch. 185, Acts 1945; Burns 22-2427 *(Division of Family and Children; Title 3,Ch 2,Reg 3-202; filed Dec 31, 1948, 10:30 am: Rules and Regs. 1949, p. 340; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-2-3 Governing board
Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 3. Governing Board. Each child-placing agency shall be organized so that the responsibility for the agency's practices, procedures and administrative policies is vested in an advisory board or local governing body composed of not less than three responsible citizens.
Sec. 12, Ch. 185, Acts 1945; Burns 22-2427 *(Division of Family and Children; Title 3,Ch 2,Reg 3-203; filed Dec 31, 1948, 10:30 am: Rules and Regs. 1949, p. 340; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-2-4 Financing
Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 4. Financing. Each child-placing agency shall maintain at all times adequate financial resources to meet the minimum standards required by the rules and regulations of the State Department of Public Welfare, and shall furnish annually to the State

Department of Public Welfare and at such other times as may be requested by the the State Department of Public Welfare satisfactory evidence of such financial ability.
Sec. 12, Ch. 185, Acts 1945; Burns 22-2427 *(Division of Family and Children; Title 3,Ch 2,Reg 3-204; filed Dec 31, 1948, 10:30 am: Rules and Regs. 1949, p. 340; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-2-5 Personnel; standards for number and type of employees
Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 5. Personnel. (a) Each child-placing agency shall employ a competent, qualified and reputable executive, and a sufficient number of competent and qualified employees to provide adequate supervision and service for the children under care of the agency. Either the case work supervisor or the case workers employed by such agency shall have had case work training in a recognized school of social work, including supervised case work in the field, and at least one year of child-placing experience in a recognized or licensed agency having responsibility for the placement of children in foster care.

(b) The following standard shall be used as a guide by each child-placing agency and by the State Department of Public Welfare in determining the number of case workers needed by the child-placing agency:

The number of children in foster care under the supervision of one case worker should not exceed 50; and, if other responsibilities such as foster home finding, intake duties, adoptive studies and similarly related activities are also required of a case worker, the number of children under the supervision of that worker should be reduced proportionately by the time devoted to such other responsibilities.

(c) Each child-placing agency shall employ as staff members only persons duly qualified, of good character as evidenced by character references, and in satisfactory health.

(d) Each child-placing agency shall employ a sufficient number of office staff members to properly maintain office administrative procedures on a current basis.

(e) Each child-placing agency furnishing medical or dental care to children in the care of the agency shall use the services of only licensed physicians and dentists.

(f) Each child-placing agency shall adopt specific written policies regarding personnel practices affecting staff members of the agency.
Sec. 12, Ch. 185, Acts 1945; Burns 22-2427 *(Division of Family and Children; Title 3,Ch 2,Reg 3-205; filed Dec 31, 1948, 10:30 am: Rules and Regs. 1949, p. 340; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-2-6 Personnel qualifications
Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 6. Personnel Qualifications. Each child-placing agency shall establish minimum qualifications for each classification of employee. The following standards shall be used as a guide by each child-placing agency in establishing minimum qualifications for the classifications of executive, case work supervisor, case worker and worker in training and by the State Department of Public Welfare in the licensing of each child-placing agency:

(a) Each child-placing agency employing less than four case workers should employ either an executive meeting the qualifications of Executive B as hereinafter set out, and case workers meeting the qualifications of Case Worker A as hereinafter set out, OR, an executive meeting the qualifications of Executive A as hereinafter set out, and case workers meeting the qualifications of Case Worker B as hereinafter set out.

(b) Each child-placing agency employing four or more case workers should employ either an executive meeting the qualifications of Executive B as hereinafter set out, a supervisor meeting the qualifications of Case Work Supervisor A as hereinafter set out, and case workers meeting the qualifications of Case Worker B as hereinafter set out, OR, an executive meeting the qualifications of Executive A as hereinafter set out, a case work supervisor meeting the qualifications of Case Work Supervisor B as hereinafter set out, and case workers meeting the qualifications of Case Worker B as hereinafter set out.

(c) Each child-placing agency employing a case work supervisor may also employ a minimum number of workers in training

who meet the qualifications as hereinafter set out.

(d) The qualifications for Executives A and B, Case Work Supervisors A and B, Case Workers A and B, and Workers in Training should be:

(1) Executive B. The qualifications of a person qualifying for the position of Executive B in a child-placing agency should be graduation from an accredited four year college plus five years of paid experience in some field of work related to social work of which at least two years should have been in social work or in a responsible supervisory or administrative capacity in the field related to social work.

(2) Executive A. The qualifications of a person qualifying for the position of Executive A in a child-placing agency should be graduation from an accredited four year college, plus one year of graduate training in a recognized school of social work including supervised case work in the field; plus two years of paid experience in the field of social work, one year of which should have been in a responsible supervisory or administrative capacity; except that a second year of graduate training or a Master's Degree from a recognized school of social work, including supervised case work in the field, may be substituted for one year of the required two years of paid experience in the field of social work.

(3) Case Work Supervisor B. The qualifications of a person qualifying for the position of Case Work Supervisor B in a child-placing agency should be graduation from an accredited four year college, plus one year of graduate training in a recognized school of social work including supervised case work in the field, plus two years of supervised paid case work experience, at least one year of which should have been in an approved child-placing agency; except that a second year of graduate training or a Master's Degree from a recognized school of social work, including supervised case work in the field, may be substituted for one year of the required two years of supervised paid case work experience, but there should be no substitution for the required one year of supervised paid case work experience in an approved child-placing agency.

(4) Case Work Supervisor A. The qualifications of a person qualifying for the position of Case Work Supervisor A in a child-placing agency should be graduation from an accredited four year college, plus one year of graduate training in a recognized school of social work including supervised case work in the field, plus three years of paid social work experience, two years of which should have been supervised case work experience in an approved child-placing agency; except that a second year of graduate training or a Master's Degree from a recognized school of social work, including supervised case work in the field, may be substituted for one of the required two years of paid case work experience in an approved child-placing agency.

(5) Case Worker B. The qualifications of a person qualifying for the position of Case Worker B in a child-placing agency should be graduation from an accredited four year college, plus five years of supervised paid case work experience, at least two years of which should have been in an approved child-placing agency; except that one year of graduate training in a recognized school of social work, including supervised case work in the field, may be substituted for the required five years of supervised paid case work experience.

(6) Case Worker A. The qualifications of a person qualifying for the position of Case Worker A in a child-placing agency should be graduation from an accredited four year college, plus one year of graduate training in a recognized school of social work, including supervised case work in the field, plus two years of supervised paid case work experience, one year of which should have been in an approved child-placing agency; except that a second year of graduate training or a Master's Degree from a recognized school of social work, including supervised case work in the field, may be substituted for one year of the required two years of supervised paid case work experience, but there should be no substitution for the required one year of paid case work experience in an approved child-placing agency.

(7) Worker in Training. The qualifications of a person qualifying for the position of Worker in Training in a child-placing agency should be graduation from an accredited four year college.

Sec. 12, Ch. 185, Acts 1945; Burns 22-2427 *(Division of Family and Children; Title 3,Ch 2,Reg 3-206; filed Dec 31, 1948, 10:30 am: Rules and Regs. 1949, p. 341; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-2-7 Office space and equipment

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 7. Office Space and Equipment. (a) Each child-placing agency shall maintain offices providing adequate space, heat, light,

ventilation, and office equipment, and shall be easily accessible to the community.

(b) Each child-placing agency shall maintain office facilities for private interviews and supervisory conferences.

Sec. 6, Ch. 185, Acts 1945; Burns 22-2421
Sec. 11, Ch. 185, Acts 1945; Burns 22-2426
Sec. 12, Ch. 185, Acts 1945; Burns 22-2427 *(Division of Family and Children; Title 3,Ch 2,Reg 3-207; filed Dec 31, 1948, 10:30 am: Rules and Regs. 1949, p. 345; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-2-8 Records and reports

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 8. Records and Reports. (a) Each child-placing agency shall maintain records in a systematic manner, which shall include financial records, statistical records, an index of the exact location of each child in the care of the agency, and an index of all case and foster home records, and all case records and foster home records shall be kept in locked metal or fire-resistive files.

(b) Each child-placing agency shall also maintain a case record on each child or family of children in the care of the child-placing agency, which record shall include: a face sheet giving all identifying information; health record showing history of diseases, immunizations, physical examinations and treatment; consent for emergency operations and use of anaesthetics; identifying information on placements of the child. Each case record shall also include a narrative record giving the social information which was secured at intake; reasons for accepting the child for placement; reasons for making specific plans for a child; reasons for changes in plans or changes in placements; development and adjustment of the child in placement; work with the child's family; supervision of the child in placement in foster care; reasons for discharge of the child from the care of the agency. Each case record shall also include any reports of psychological examinations or psychiatric consultations or interviews, school records, or legal papers or written agreements with relatives or other agencies.

(c) Each child-placing agency shall maintain a record for each foster home used by the child-placing agency which shall include: application; report of the study of the foster family; record of the child or children placed in the home; regular evaluations of the use of the foster home.

Sec. 14, Ch. 185, Acts 1945; Burns 22-2429 *(Division of Family and Children; Title 3,Ch 2,Reg 3-208; filed Dec 31, 1948, 10:30 am: Rules and Regs. 1949, p. 345; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-2-9 Intake and initial social study; written policies

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 9. Intake and Initial Social Study. (a) Each child-placing agency shall adopt written policies in regard to accepting children for placement in foster care.

(b) Each child-placing agency shall secure and record sufficient social information to determine that placement of a child in foster care is for the best interests of the child, before making such placement.

Sec. 12, Ch. 185, Acts 1945; Burns 22-2427
Sec. 14, Ch. 185; Acts 1945; Burns 22-2429 *(Division of Family and Children; Title 3,Ch 2,Reg 3-209; filed Dec 31, 1948, 10:30 am: Rules and Regs. 1949, p. 346; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-2-10 Placement and supervision; written policies; continuing responsibility while in foster care

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 10. Placement and Supervision. (a) Each child-placing agency shall use only those boarding homes and child-caring institutions which are licensed under the laws of the State of Indiana or the laws of the state in which such boarding home or child-caring institution is located.

(b) Each child-placing agency shall adopt written policies for the study and use of adoptive, work, wage, and free homes, if such homes are used.

(c) Each child-placing agency shall adopt written policies for the use of boarding homes and child-caring institutions, if such homes and institutions are used.

(d) Each child-placing agency, after giving due consideration to the emotional and physical needs and religious background of the child or parents of the child, shall select a foster home or child-caring institution wherein the foster care given to the child will be for the best interests of the child.

(e) Each child-placing agency shall replace a child in foster care only when such replacement will serve the best interests of the child.

(f) Each child-placing agency shall, after giving due regard to the best interests of the child, provide for regular supervisory visits to each child in foster care.

(g) Each child-placing agency shall, after placement of a child in foster care, plan for case work with the child's own family, the amount and kind of such work to be determined by the best interests of the child and his family.

(h) Each child-placing agency shall continue responsibility for a child who has been placed in foster care until: The child is returned to his own family and the family no longer desires or needs the services of the agency; legal adoption has been completed; the responsibility for his care has been transferred to another agency; the child reaches 21 years of age; or it is determined that the child can function on his own responsibility and that his best interests will be served by discontinuing responsibility.

Sec. 12, Ch. 185, Acts 1945; Burns 22-2427 *(Division of Family and Children; Title 3,Ch 2,Reg 3-210; filed Dec 31, 1948, 10:30 am: Rules and Regs. 1949, p. 346; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-2-11 Health program; physical and dental examinations

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 11. Health Program. (a) Each child-placing agency shall establish and maintain a definite health program for the care of children accepted and placed in foster care, which shall include a definite plan for the care of sick children and children requiring surgical care; and such program shall be approved by the State Board of Health.

(b) Each child, upon acceptance by the child-placing agency for placement in foster care, shall be given a thorough physical examination by a duly licensed physician, and every reasonable effort shall be made by the child-placing agency to provide or arrange for any treatment recommended by the examining physician.

(c) Each child in foster care shall be given a physical examination at least annually, or as often as the age or condition of the child requires, by a duly licensed physician, and every reasonable effort shall be made by the child-placing agency to provide or arrange for any treatment recommended by the examining physician.

(d) Each child, upon acceptance by the child-placing agency for placement in foster care, shall be given a dental examination, and shall also be given a dental examination annually thereafter, and any treatment recommended by the examining dentist shall be provided or arranged for by the child-placing agency. Whenever the condition of any child indicates need for dental examination or treatment, the child shall be examined by a duly licensed dentist, and any treatment required shall be provided or arranged for by the child-placing agency.

(e) Each child-placing agency shall maintain a record of the medical and dental history and treatment of each child.

Sec. 12, Ch. 185, Acts 1945; Burns 22-2427 *(Division of Family and Children; Title 3,Ch 2,Reg 3-211; filed Dec 31, 1948, 10:30 am: Rules and Regs. 1949, p. 348; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-2-12 Exceptions and variances; written application

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 12. Exceptions and Variances. The State Department of Public Welfare, the State Board of Health, and the State Fire Marshal shall have authority to grant exceptions or variances of the provisions of these rules and regulations *[470 IAC 3-2]* upon application in writing to the State Department of Public Welfare by the operator or licensee of a child-placing agency or its duly authorized agent when there are practical difficulties in the way of carrying out the strict letter of these rules and regulations *[470 IAC 3-2]* but when there is substantial or equivalent compliance with the spirit and intent of these rules and regulations *[470 IAC 3-2]*. Any exception or variance granted shall be entered upon the records of the State Department of Public Welfare as the licensing

agency and upon the records of the respective state agency granting the exception or variance, and a signed copy shall be furnished the applicant.
Sec. 7, Ch. 185, Acts 1945; Burns 22-2422 *(Division of Family and Children; Title 3,Ch 2,Reg 3-212; filed Dec 31, 1948, 10:30 am: Rules and Regs. 1949, p. 349; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

Rule 3. Licensing of Child Caring Institutions (Repealed)
(Repealed by Division of Family and Children; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1981)

Rule 4. Licensing Day Nurseries (Repealed)
(Repealed by Division of Family and Children; filed Oct 18, 1985, 8:41 am: 9 IR 505)

Rule 4.1. Licensing Child Care Centers (Repealed)
(Repealed by Division of Family and Children; filed Aug 11, 2003, 3:00 p.m.: 27 IR 162)

Rule 4.2. Infant/Toddler Care in Day Nurseries (Repealed)
(Repealed by Division of Family and Children; filed Aug 11, 2003, 3:00 p.m.: 27 IR 162)

Rule 4.3. Migrant Day Care Centers (Expired)
(Expired under IC 4-22-2.5, effective January 1, 2002.)

Rule 4.4. Child Care Facilities; Exempted Day Nurseries
NOTE: Transferred from the Indiana State Department of Health (410 IAC 22-1) to the Division of Family and Children (470 IAC 3-4.4) by P.L.9-1991, SECTION 129, effective July 1, 1992. Wherever in any promulgated text there appears a reference to 410 IAC 22-1, substitute 470 IAC 3-4.4.

470 IAC 3-4.4-1 Definitions
Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 1. As used in 410 IAC 22-1:
"Exempted center" means a day nursery that:
(1) is operated under the federally funded Head Start program (42 U.S.C. 9831 et seq.) and the Texas migrant council;
(2) provides services for children from migrant worker families; and
(3) is operated during a single period of less than one hundred twenty (120) consecutive days during a calendar year.
"Facility" means an exempted day nursery licensed pursuant to IC 12-3-2-3.5 *[IC 12-3 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.]*.
"Food" means any raw, cooked or processed edible substance, ice, beverage, drink, or ingredients used or intended for use in whole or in part for human consumption.
"Food equipment" means stoves, ovens, ranges, hoods, slicers, mixers, meatblocks, tables, counters, refrigerators, sinks, dishwashing machines, steam tables, and similar items other than utensils, used in the operation of a kitchen.
"Group" means a specific number of children assigned to specific staff member(s).
"Infant" means a child from six (6) weeks of age to the time he is beginning to walk.
"Potentially hazardous food" means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, in a form capable of supporting growth of infectious or toxigenic micro-organisms. The terms does not include clean, whole, uncracked, odor-free shell eggs or foods which have a pH level of 4.6 or below or a water activity (Aw) value of 0.85 or less.
"Room" means an area enclosed on all sides by walls or partitions.
"Sanitization" means effective bactericidal treatment by a process that provides enough accumulative heat or concentration of chemicals for enough time to reduce the bacterial count, including pathogens, to a safe level on utensils and equipment.
"Single-service articles" means cups, containers, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, napkins,

wrapping materials, tooth-picks, and similar articles intended for one-time, one-person use and then discarded.

"SBH" means the Indiana state board of health.

"Toddler" means a child from the time he is beginning to walk to age two years.

"Utensils" means any implement used in the storage, preparation, transportation, or service of food. *(Division of Family and Children; 470 IAC 3-4.4-1; filed Oct 14, 1987, 2:45 pm: 11 IR 930; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Indiana State Department of Health (410 IAC 22-1-1) to the Division of Family and Children (470 IAC 3-4.4-1) by P.L.9-1991, SECTION 129, effective July 1, 1992.*

470 IAC 3-4.4-2 Diapering

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 2. (a) When indicated, diapered children shall be given prompt hygienic care, including hand and face washing and body cleansing. Materials for skin cleaning shall be immediately accessible at all times, and discarded after each use in a tightly covered container. The containers shall be emptied and sanitized at least daily.

(b) Diapering Room Area. Children who are not toilet trained shall be cared for in rooms and areas which are separated by age groups from other children. Diapers shall not be changed on the floor. Each class area or room used to house diapered children shall contain a handwashing sink and a changing table. Toilet rooms for each shall be easily accessible.

Crib bedding shall be clean, changed immediately when wet or soiled and at least weekly. Soiled crib bedding shall not be allowed to accumulate for longer than twenty-four (24) hours before laundering and a clean supply of bedding shall be in reserve at all times to allow for delays in laundry pick-up and delivery or washing.

(c) Diaper Table. When changing tables are used, there shall be a soft, washable, waterproof pad on the table with a clean strip of waterproof, disposable paper to cover it. A fresh protective strip shall be placed on the pad after each diaper change. The pad and table shall be sanitized when they become soiled and at the end of each day.

Care shall be taken to prevent contamination of common diapering supplies. *(Division of Family and Children; 470 IAC 3-4.4-2; filed Oct 14, 1987, 2:45 pm: 11 IR 930; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Indiana State Department of Health (410 IAC 2-1-2) to the Division of Family and Children (470 IAC 3-4.4-2) by P.L.9-1991, SECTION 129, effective July 1, 1992.*

470 IAC 3-4.4-3 Diapers

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 3. (a) Clean diapers shall be stored in a closed container or bag off the floor.

(b) Soiled Diapers. After use, fecal material shall be immediately emptied from the diapers into a flush toilet. Soiled diapers shall be kept in a plastic bag in a tightly covered sanitary container that is inaccessible to children. The bags shall be tied tightly and removed from the facility's premises at the end of each day. If an incinerator is not available, the bags shall be disposed of daily in the same manner as unburnable trash.

(c) Cloth Diapers. Cloth diapers furnished by the facility shall be laundered by a laundry service and shall be stored separately from other diapers and linen. The soiled diapers shall be kept in tightly covered sanitary containers.

Cloth diapers furnished by the parents shall be kept separate from diapers used for other children. After proper rinsing, the soiled diapers shall be placed in a plastic bag, stored through the day in a tightly closed container, and returned to the parent daily. Containers for soiled diapers shall be cleaned and disinfected at least daily. Separate containers shall be used for clean and soiled items. *(Division of Family and Children; 470 IAC 3-4.4-3; filed Oct 14, 1987, 2:45 pm: 11 IR 931; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Indiana State Department of Health (410 IAC 22-1-3) to the Division of Family and Children (470 IAC 3-4.4-3) by P.L.9-1991, SECTION 129, effective July 1, 1992.*

470 IAC 3-4.4-4 Contaminated articles

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 4. Whenever exposure to communicable disease has occurred in the facility, the facility shall provide the disinfection of toilet facilities, furnishings, toys or other articles that may have been used by a child diagnosed as having a communicable disease, and the effective disinfection and disposal of bodily discharges containing infectious material.

No facilities or articles that have been used by a child suspected of having a communicable disease shall be used by any other person until they have been disinfected or until it has been established that the child did not have a communicable disease.

The facility shall provide and use a room or area to separate from the group any child having or suspected of having a communicable disease or any illness. This room or area shall not be used for any other purpose by the children while being used as isolation quarters. Toilet and lavatory facilities shall be nearby. Furnishings shall be easily sanitized. *(Division of Family and Children; 470 IAC 3-4.4-4; filed Oct 14, 1987, 2:45 pm: 11 IR 931; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Indiana State Department of Health (410 IAC 22-1-4) to the Division of Family and Children (470 IAC 3-4.4-4) by P.L.9-1991, SECTION 129, effective July 1, 1992.*

470 IAC 3-4.4-5 Hygiene

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 5. (a) Children. The facility schedule shall include provision for supervised personal hygiene, washing hands and face before meals, and washing hands after using toilet facilities for each child.

Each child shall be provided with disposable paper towels, dispensed in a sanitary manner. Toilet tissue, dispensed in a sanitary manner, shall be available at every toilet. Soap shall be conveniently available to every handwashing lavatory. When liquid soap is provided, soap dispensers shall be installed at a height to facilitate use by children.

Wet or soiled clothing shall be changed promptly. A supply of clean clothing shall be available for this purpose.

(b) Adults. All child care personnel shall wash their hands before and after each child care duty including individual feedings, bathing, and diapering. There shall be facilities and supplies immediately available for this at all times. Outer garment coverings shall be changed when soiled. *(Division of Family and Children; 470 IAC 3-4.4-5; filed Oct 14, 1987, 2:45 pm: 11 IR 931; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Indiana State Department of Health (410 IAC 22-1-5) to the Division of Family and Children (470 IAC 3-4.4-5) by P.L.9-1991, SECTION 129, effective July 1, 1992.*

470 IAC 3-4.4-6 Food service sanitation

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 6. (a) Formula and Care of Feeding Bottles. Formula prepared at home shall not be used. Only unopened, commercially prepared formula that is commercially pre-mixed and ready-to-feed shall be used. This commercial formula may be furnished by the parent or the facility, and shall be stored at the temperature recommended on the container. Outdated formula shall not be used.

The facility shall use either:

(1) commercially pre-filled, individual disposable nursers with attached pre-sterilized disposable nipples; or

(2) cans of commercially prepared formula, commercially pre-mixed and ready-to-feed, from which the formula shall be poured directly into a sanitized bottle, or into a sanitized nurser hull with a sterile disposable liner, to which a sanitized nipple shall be affixed.

If a day's supply of bottles is prepared at one time, each bottle shall be covered and labeled with the child's name, date and hour poured. Bottles shall be stored at 45° F., for no longer than twenty-four (24) hours. Remaining portions of formula that have never been poured from the original containers may also be stored as stated above. Any formula remaining in a nurser after a feeding shall be discarded.

All permanent ware bottles and reusable nipples shall be washed and sanitized by the facility after each use.

(b) Sanitizing Procedures. Procedures for bottle preparation and sterilization shall be posted.

The following care shall be given permanent ware bottles, nipples, collars, caps, expanders and tongs:

(1) Pre-wash in hot detergent water in a nonhandwashing sink. Scrub bottles and nipples inside and out with bottle and nipple brush. Squeeze water through nipple hole during washing. Rinse well with clean, hot water.

(2) Boil in clear water: bottles for five (5) minutes; nipples and caps, collars, and tongs for three (3) minutes; air dry.

(3) All shall be stored separately in clean, covered, labeled containers, away from food.

(4) Hands shall be clean and care taken in handling techniques to prevent contamination of clean bottles and nipples.

(c) Milk. Use of powdered dry milk for drinking is not allowed. At feeding time, milk shall be poured from the original container directly into the sanitized bottle or training cup. All unused portions of an individual feeding shall be discarded. The facility shall contact the SBH for procedures if breast milk is to be used.

(d) Solid Foods. Foods, commonly known as “baby food,” (cereals, strained or chopped meats, vegetables and fruits) shall be commercial products.

After commercial containers of baby food have been opened, the jars shall be covered, dated and refrigerated. Contents of opened jars shall be used within twenty-four (24) hours or shall be discarded. If a child is fed directly from the jar, the unused portion shall be discarded.

(e) Vendor Service. Each facility using vendor service shall have a written contract with the vendor which describes the responsibilities of the vendor and incorporates the assurances that the vendor's food service business, food handlers, and all premises used therein have been inspected and approved by local health authorities or by the SBH for the purpose of providing food for facilities.

Food items shall be transported in insulated containers that meet National Sanitation Foundation (NSF) standards, so that:

(1) hot foods remain above 140° F.;

(2) cold foods remain below 45° F.; and

(3) frozen foods are kept frozen.

Upon receiving the food from the vendor, the facility shall verify the proper temperature of the food with a metal stem-type, numerically scaled, indicating thermometer and maintain these temperatures until serving time.

(f) Food Service. The kitchen and any other food preparation area shall be maintained in a clean and sanitary condition, separate from areas used for any other purpose and shall be so located that it is not used as a throughway to other rooms or areas. The kitchen shall not be used for children's activities or naps, a dining or recreational area for adults, or as an office.

(g) Food Safety. All food items shall be from approved sources only. Food prepared in a home kitchen shall not be used. Food items shall be received at the center in the original, unopened, undamaged packaging and shall be properly protected from damage and potential contamination. Any food preparation or handling, except for necessary transportation, shall be in the kitchen only.

The temperature of potentially hazardous food shall be 45° F. or below or 140° F. or above at all times. Frozen food shall be kept frozen and should be stored at a temperature of 0° F. or below.

(h) Refrigerator and Freezers. Enough conveniently located refrigeration facilities shall be provided to assure the maintenance of potentially hazardous food at required temperature during storage and after preparation. Refrigerators and freezers shall be in good condition, clean, and shall maintain the proper temperatures. Each compartment of the refrigerator and freezer shall be provided with an accurate thermometer, in good position for daily monitoring.

(i) Ranges. Enough conveniently located hot food storage facilities shall be provided to assure the maintenance of food at the required temperatures during storage and after preparation. Ranges shall be in good condition, and in proper and safe operating condition.

(j) Dishwashing. Whenever dishwashing and sanitizing are conducted mechanically or manually, the machines, equipment and procedures must be approved by the SBH and the written procedures posted.

A three (3) compartment sink shall be used whenever washing and sanitizing are conducted manually. One of these may be a portable sink for dishwashing purposes. Multi-use utensils and equipment shall be thoroughly washed in a detergent solution in the first compartment of the sink, and then shall be rinsed free of such solutions in the second compartment of the sink. All eating and drinking utensils and, where required the food-contact surfaces of all other equipment and utensils shall be sanitized in the third compartment by one of the following methods:

(1) immersion for at least one-half (1/2) minute in clean, hot water maintained at a temperature of at least 170° F.; or

(2) immersion for at least one minute in clean water which is at a temperature of at least 75° F. and which contains an approved sanitizing agent at an effective concentration.

Cleaned and sanitized equipment and utensils shall always be air dried, never towel dried.

An alternative to dishwashing is the use of sturdy, all disposable, single service articles and utensils. If any multi-use cooking or serving utensils are used, approved dishwashing facilities shall be provided and used. Reuse of single service articles and utensils is prohibited.

(k) Storage. Containers and packages of food, other than cased food packaged in waterproof containers, cleaned and sanitized

utensils, equipment, and single service articles shall be stored at least six (6) inches above the floor in a clean, dry location in a way that protects them from contamination and away from any cleaning compounds, toxic or hazardous materials.

(l) Hygiene. A handwashing sink shall be located in the kitchen, supplied with soap and disposable towels from a dispenser. Persons who prepare, handle and serve food shall thoroughly wash their hands with soap and water and use disposable towels for drying. Handwashing shall be done before starting work, and washed as often as necessary to keep them clean, and after smoking, eating, drinking, or using the toilet.

Persons who prepare and handle food shall wear clean, washable garments (aprons or smocks) and effective hair restraints. Children shall not serve food or assist in the preparation of food that will be consumed by another person.

(m) Cleaning Procedures. Work and cleaning schedules shall be written, posted and followed for all the food storage, preparation and service areas. All food preparation surfaces and eating surfaces shall be sanitized before and after use.

(n) Insect and Rodent Control. Adequate measures shall be taken to prevent entry of insects and/or rodents (16-mesh screen on outside openings; sealing cracks; sealing around pipes, plumbing and ducts). Proper cleaning shall be provided to minimize attraction to food sources.

(o) Waste Disposal. All garbage and trash containers in the kitchen and day care center shall be tight-seamed, easily cleanable, covered with close-fitting lids pending removal, and shall be removed from the kitchen and center on a daily basis. Containers shall be cleaned and disinfected as necessary. *(Division of Family and Children; 470 IAC 3-4.4-6; filed Oct 14, 1987, 2:45 pm: 11 IR 931; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Indiana State Department of Health (410 IAC 22-1-6) to the Division of Family and Children (470 IAC 3-4.4-6) by P.L.9-1991, SECTION 129, effective July 1, 1992.*

470 IAC 3-4.4-7 Buildings, grounds, equipment, furnishings, materials and supplies

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 7. (a) Cots. Each child not requiring a crib and young enough to nap shall be provided an individual cot. Cots shall be easily sanitized, and the sleeping surfaces off the floor. All cots shall be sanitized daily after each use. Weekly sanitation of a cot is acceptable only if the cot is used by the same child each day. Cots shall be spaced at least two (2) feet apart on all sides except where they touch the wall.

Coverings used to maintain comfort and warmth shall be clean and individually marked. Individual storage shall be provided for coverings, children's personal items and clothing.

Cots shall be in good repair and stored in a manner as to prevent injury to children.

(b) Space and Furnishings for Infants and Toddlers. Supplies and personal belongings of each child shall be individually stored and easily accessible. Diaper bags brought from home shall not be stored in the room.

Tiered cribs are prohibited. Mesh cribs, playpens, and bassinets of any type shall be prohibited for sleeping. All surfaces shall be cleanable.

Crib mattresses shall be securely covered with a waterproof material not dangerous to children. There shall be at least three (3) feet between cribs.

(c) Outdoor Play Area. The play area shall be well drained and free from hazards which might be dangerous to the life or health of the children.

(d) First Aid and Medications. Poisons and medications or other harmful chemicals shall be kept under lock, away from children. First aid supplies, hazardous articles, materials, and equipment such as cleaning fluids, polishes, bleaches, detergents, matches, and tools shall be stored in a place inaccessible to children.

Medication requiring refrigeration shall be stored in a lidded plastic container clearly labeled “medication.” Medication not requiring refrigeration shall not be stored in the kitchen.

(e) Safety. Equipment, materials and furnishings, whether for indoor or outdoor use, shall be sturdy, nontoxic, easy to clean, and kept clean and in good, safe condition, free of sharp points or jagged edges, splinters, protruding nails or wires, loose parts, rusty parts, materials containing poisonous substances, or paint which contains lead or other poisonous materials, and free from hazards to the life or health of children.

All areas, surfaces and items including toys, cribs, jumpers and playpens with which children will come in contact shall be free of any residual pesticides and paint containing lead or other harmful materials or finishes, and shall be clean and easily sanitized on a regular basis.

The floor coverings shall be safe and easily cleanable. If carpeting is used, it shall be firmly secured, vacuumed daily when children are not present and shampooed as frequently as necessary to keep it clean.

Fans shall be kept clean and used in such a way as to prevent injury to children.

(f) Design and Construction. The facility shall be structurally sound, in good repair, and safe for children. The premises shall be maintained in a clean, neat and sanitary condition. Rooms shall not be swept or dusted while occupied by children except for cleaning up after food service or art projects. Kitchens, infant rooms, and toddler rooms shall not be used as throughways to other rooms or areas.

(g) Lavatory and Toilet Facilities. The facility shall provide inside toilet rooms equipped with flush toilets and securely fastened, sealed to the wall, supported wash basins with hot and cold running water. Toilet rooms shall be enclosed, adequately ventilated and located in close proximity to inside and outdoor play areas.

The facility shall provide a minimum of one wash basin and one flush toilet for each fifteen (15) children for which the facility is licensed. Toilet rooms with multiple toilets, shall not be used by school-age children of opposite sex, and toilets for school-age children shall be separated by partitions.

If child-size toilets and wash basins are not available, easy to clean steps or platforms shall be provided for small children. Nursery seats or toilet chairs shall be provided for children learning toilet habits. Toilet facilities shall be furnished for the staff and other adults separate from those furnished for the children.

All non-portable handwashing facilities shall be provided with hot and cold running water. Automatic hot water control valves that will not permit the hot water temperature at the point of use to exceed 120° F. shall be used. The temperature of the water for handwashing shall be at least 100° F. Alternative portable sinks are suitable if proper sanitary procedures are followed as specified by the SBH.

Toilets, toilet chairs, nursery seats, changing tables and lavatories shall be clean and sanitized.

When natural light is insufficient, it shall be supplemented by artificial light and properly diffused and distributed.

All windows which open, doors not equipped with panic hardware or equivalent, ventilators, and other outside openings shall be protected against insects by securely fastened 16-mesh screening, as the season requires.

Areas used by the children shall be heated when the temperature falls below 68° F., so that a temperature of 68° F. to 72° F. may be maintained within two feet of the floor. *(Division of Family and Children; 470 IAC 3-4.4-7; filed Oct 14, 1987, 2:45 pm: 11 IR 933; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Indiana State Department of Health (410 IAC 22-1-7) to the Division of Family and Children (470 IAC 3-4.4-7) by P.L.9-1991, SECTION 129, effective July 1, 1992.*

470 IAC 3-4.4-8 Water supply, plumbing and sewage disposal

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 8. (a) Water Supply. Water supplies shall be constructed and operated in accordance with the requirements of 410 IAC 6-5.1-8 *[410 IAC 6-5.1-8 was repealed filed Sep 24, 1987, 3:00 p.m.: 11 IR 737.]*, excluding 410 IAC 6-5.1-8(f) *[410 IAC 6-5.1-8 was repealed filed Sep 24, 1987, 3:00 p.m.: 11 IR 737.]*. For the purposes of 410 IAC 22-1, exempted day nurseries, every reference to "school" contained in 410 IAC 6-5.1-8 *[410 IAC 6-5.1-8 was repealed filed Sep 24, 1987, 3:00 p.m.: 11 IR 737.]*, shall be considered as a reference to an exempted center.

(b) Drinking Fountains. Drinking fountains shall be of the sanitary type with guarded angular stream drinking fountain heads and shall be so constructed and located as to be accessible for use by the children at all times. If drinking fountains are not available, individual single service cups shall be provided in a sanitary dispenser, and used only once. Drinking fountains shall not be located in restrooms, and drinking water shall not be provided from restrooms. Children shall not go into the kitchen or bathroom to obtain drinking water.

(c) Plumbing and Sewage Disposal. All plumbing fixtures shall discharge into a public sanitary sewer whenever available within a reasonable distance, or when soil conditions prohibit the construction of an adequate on-site system. Any on-site sewage treatment system shall meet the requirements of 410 IAC 6-10. If a discharging sewage treatment system is to be constructed, it shall meet the requirements of the department of environmental management.

New plumbing equipment shall meet the requirements of the fire prevention and building safety commission (FPBSC) and SBH. *(Division of Family and Children; 470 IAC 3-4.4-8; filed Oct 14, 1987, 2:45 p.m.: 11 IR 934; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Indiana State Department of Health (410 IAC 22-1-8) to the Division of Family*

and Children (470 IAC 3-4.4-8) by P.L.9-1991, SECTION 129, effective July 1, 1992.

470 IAC 3-4.4-9 State and local housing requirements; conformance
Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 9. Any area of a structure in which a facility is located shall meet the requirements of the SBH and FPBSC. The appropriate zoning requirements shall be met. *(Division of Family and Children; 470 IAC 3-4.4-9; filed Oct 14, 1987, 2:45 pm: 11 IR 935; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Indiana State Department of Health (410 IAC 22-1-9) to the Division of Family and Children (470 IAC 3-4.4-9) by P.L.9-1991, SECTION 129, effective July 1, 1992.*

Rule 4.5. Child Care Facilities; Registered Day Care Ministries
NOTE: Transferred from the Indiana State Department of Health (410 IAC 22-2) to the Division of Family and Children (470 IAC 3-4.5) by P.L.9-1991, SECTION 129, effective July 1, 1992. Wherever in any promulgated text there appears a reference to 410 IAC 22-2, substitute 470 IAC 3-4.5.

470 IAC 3-4.5-1 Definitions
Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 1. As used in 410 IAC 22-2 *[this rule]*:

"Applicant" means that person who is the religious organization's local executive officer, such as the president of board of directors, board chairman, head of governing body, etc. Regardless of who is in charge of the daily program, the day care ministry shall be under the jurisdiction and management of the religious organization.

"Certificate of notice" means a document that is issued to the operator of a registered day care ministry found to be in compliance with 410 IAC 22-2 *[this rule]*.

"Registered day care ministry" means day care provided as an extension of a church or religious ministry that is a religious organization exempt from federal income taxation under Section 501 of the Internal Revenue Code, unlicensed but registered with the state board of health and state fire marshal's office pursuant to IC 12-3-2-12.7(c) *[IC 12-3 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.]*.

"Facility" means an unlicensed but registered day care ministry.

"Food" means any raw, cooked, or processed edible substance, ice, beverage, drink, or ingredients used or intended for use in whole or in part for human consumption.

"Food equipment" means stoves, ovens, ranges, hoods, slicers, mixers, meatblocks, tables, counters, refrigerators, sinks, dishwashing machines, steam tables, and similar items other than utensils, used in the operation of a kitchen.

"Potentially hazardous food" means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, in a form capable of supporting growth of infectious or toxigenic microorganisms. The term does not include clean, whole, uncracked, odor-free shell eggs or foods which have a pH level of 4.6 or below or a water activity (Aw) value of 0.85 or less.

"Sanitization" means effective bactericidal treatment by a process that provides enough accumulative heat or concentration of chemicals for enough time to reduce the bacterial count, including pathogens, to a safe level on utensils and equipment.

"Single-service articles" means cups, containers, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, napkins, wrapping materials, toothpicks, and similar articles intended for one-time, one-person use and then to be discarded.

"SBH" means the Indiana state board of health.

"Utensils" means any implement used in the storage, preparation, transportation, or service of food. *(Division of Family and Children; 470 IAC 3-4.5-1; filed Aug 12, 1988, 1:50 p.m.: 12 IR 16; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Indiana State Department of Health (410 IAC 22-2-1) to the Division of Family and Children (470 IAC 3-4.5-1) by P.L.9-1991, SECTION 129, effective July 1, 1992.*

470 IAC 3-4.5-2 Registration
Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 2. (a) Application. Application for registration to operate a day care ministry shall be submitted annually to the SBH on forms provided for that purpose by that agency. As part of the application, the applicant shall submit a notarized criminal history affidavit form together with a statement verifying its exemption from federal income taxation under Section 501 of the Internal Revenue Code.

(b) Certificate of Notice. A certificate of notice shall be issued to a facility found to be in compliance with 410 IAC 22-2 *[this rule]* during each quarterly inspection.

(c) Certificate Validation. A registered day care ministry certificate of notice is deemed invalid unless the applicant complies with subsection (d) of this section within a reasonable time.

(d) Reporting Requirements. It shall be the responsibility of the applicant to report promptly to the SBH the following changes or events:

(1) when the applicant changes;
(2) if the location of the religious organization changes;
(3) if the location of the building in which the child care service is provided changes;
(4) when the child care service is discontinued;
(5) a change in the location within the building where day care is provided;
(6) any major damage caused by fire or natural disaster which adversely affects the sanitary conditions of the facility.

(Division of Family and Children; 470 IAC 3-4.5-2; filed Aug 12, 1988, 1:50 p.m.: 12 IR 17; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Indiana State Department of Health (410 IAC 22-2-2) to the Division of Family and Children (470 IAC 3-4.5-2) by P.L.9-1991, SECTION 129, effective July 1, 1992.

470 IAC 3-4.5-3 Water supply, plumbing and sewage disposal
Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 3. (a) Water Supply. Water supplies shall be constructed and operated in accordance with the requirements of 410 IAC 6-5.1-8 *[410 IAC 6-5.1-8 was repealed filed Sep 24, 1987, 3:00 p.m.: 11 IR 737.]*, excluding 410 IAC 6-5.1-8(f) *[410 IAC 6-5.1-8 was repealed filed Sep 24, 1987, 3:00 p.m.: 11 IR 737.]*. For the purposes of 410 IAC 22-2 *[this rule]*, the requirements of 410 IAC 6-5.1-8 *[410 IAC 6-5.1-8 was repealed filed Sep 24, 1987, 3:00 p.m.: 11 IR 737.]*, excluding 410 IAC 6-5.1-8(f) *[410 IAC 6-5.1-8 was repealed filed Sep 24, 1987, 3:00 p.m.: 11 IR 737.]*, shall apply to registered day care ministries.

(b) Plumbing and Sewage Disposal. All plumbing fixtures shall discharge into a public sanitary sewer whenever available within a reasonable distance, or when soil conditions prohibit the construction of an adequate on-site system. Any on-site sewage treatment system shall meet the requirements of 410 IAC 6-10. If a discharging sewage treatment system is to be constructed, it shall meet the requirements of the department of environmental management. New plumbing equipment shall meet the requirements of the fire prevention and building safety commission (FPBSC) and SBH. *(Division of Family and Children; 470 IAC 3-4.5-3; filed Aug 12, 1988, 1:50 p.m.: 12 IR 17; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Indiana State Department of Health (410 IAC 22-2-3) to the Division of Family and Children (470 IAC 3-4.5-3) by P.L.9-1991, SECTION 129, effective July 1, 1992.*

470 IAC 3-4.5-4 Buildings, grounds, equipment, furnishings, materials and supplies
Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 4. Physical Facilities. The building or parts thereof used for day care purposes shall be structurally sound and shall at all times be maintained in a clean, safe, and sanitary condition and be in a good state of repair.

(1) All interior surfaces, equipment, materials, furnishings, and objects with which children will come in contact shall be well maintained, in a clean and sanitary condition, and of nontoxic durable construction.

(2) All restrooms shall be equipped with flush toilets and handwashing sinks and shall be ventilated to the outside. An adequate supply of water, under pressure, shall be provided at all handwashing sinks, as well as soap and disposable paper towels in dispensers. Toilet paper in dispensers shall be located at each toilet.

(3) Refuse, garbage, empty food containers, soiled diapers, or other items soiled with body fluids shall be discarded into conveniently located tightly lidded, watertight containers. These containers must be kept in a sanitary condition, and covered when not in use.

(4) All open windows, doors which are kept open for other than entering and leaving, ventilators, and other outside openings shall be protected against insects by securely fastened 16 mesh screening. Cracks shall be sealed and sealing shall be in place around pipes, plumbing, and ducts.

(5) Drinking water facilities shall not be located in restrooms and shall be constructed of impervious, easily cleanable materials and shall be kept clean and in a good state of repair. Drinking fountains, where provided, shall have a sanitary type guarded angle-stream jet head and an adjustable flow regulator.

(Division of Family and Children; 470 IAC 3-4.5-4; filed Aug 12, 1988, 1:50 p.m.: 12 IR 17; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Indiana State Department of Health (410 IAC 22-2-4) to the Division of Family and Children (470 IAC 3-4.5-4) by P.L.9-1991, SECTION 129, effective July 1, 1992.

470 IAC 3-4.5-5 Food service sanitation

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 5. (a) Food Service. The kitchen and any other food preparation area shall be maintained in a clean and sanitary condition, separate from areas used for any other purpose, and shall be so located that it is not used as a throughway to other rooms or areas. The kitchen shall not be used for children's activities or naps, a dining or recreational area for adults, or as an office.

(b) Food Safety. All foods provided by the facility, for children enrolled in the day care ministry, shall be from a food establishment, inspected and approved by a governmental agency. Food items shall be received at the facility in the original, unopened, undamaged packaging and shall be properly protected from damage and potential contamination. Food shall be free from spoilage, filth, or other contamination and shall be safe for human consumption.

The temperature of all potentially hazardous food shall be 45° F. or below or 140° F. or above at all times. Frozen food shall be kept frozen and should be stored at a temperature of 0° F. or below.

(c) Refrigerator and Freezers. Enough conveniently located refrigeration facilities shall be provided to assure the maintenance of potentially hazardous food at required temperatures during storage. Refrigerators and freezers shall be in good condition, clean, and shall maintain the proper temperatures. Each compartment of the refrigerator and freezer shall be provided with an accurate thermometer, in good position for daily monitoring.

(d) Ranges. Enough conveniently located ranges shall be provided to assure the maintenance of hot, potentially hazardous food at the required temperatures during storage. Ranges shall be in good condition, clean, and in proper and safe operating condition.

(e) Dishwashing. Any multi-use utensils, tableware, or kitchenware shall be washed and sanitized between each use. Dishwashing and sanitizing shall be conducted mechanically in a commercial dishwasher or manually in a three (3) compartment sink, one (1) of these may be a portable sink or container, deep enough to permit total immersion of the articles used by the facility. Drainboards or movable dish tables of adequate size shall be provided. The manual dishwashing procedure shall consist of thoroughly washing multi-use utensils and equipment in a detergent solution in the first compartment of the sink, and rinsing free of such solutions in the second compartment of the sink. A sink used for dishwashing shall not be used for handwashing. All eating and drinking utensils and, where required, the food-contact surfaces of all other equipment and utensils shall be sanitized in the third compartment by one (1) of the following methods:

(1) immersion for at least one-half (1/2) minute in clean, hot water maintained at a temperature of at least 170° F.; or

(2) immersion for at least one (1) minute in clean water which is at a temperature of at least 75° F. and which contains an approved sanitizing agent at an effective concentration.

Cleaned and sanitized equipment and utensils shall always be air dried, never towel dried.

An alternative to dishwashing is the use of sturdy, all disposable, single-service articles and utensils. Reuse of single-service articles and utensils is prohibited.

All permanent ware infant feeding bottles and reusable nipples provided by the facility shall be washed and sanitized by the facility after each use as follows:

Prewash in hot detergent water in a nonhandwashing sink; scrub bottles and nipples inside and out with bottle and nipple brush; squeeze water through nipple hole during washing; and rinse well with clean, hot water. Boil in clear water – bottles for five (5) minutes; nipples and caps, collars, and tongs for three (3) minutes; and air dry. Store each item separately in clean, covered, labeled containers.

(f) Storage. Containers and packages of food, cleaned and sanitized utensils, equipment, and single-service articles shall be stored at least six (6) inches above the floor in a clean, dry location in such a way that protects them from contamination, cleaning compounds, and toxic or hazardous materials. This does not apply to cased food packaged in waterproof containers.

(g) Hygiene. A sink used exclusively for handwashing shall be located in the kitchen and supplied with soap and disposable towels from a dispenser. Persons who prepare, handle, and serve food shall thoroughly wash their hands with soap and water and use disposable towels for drying. Handwashing shall be done before starting work and as often as necessary to keep them clean. Persons who prepare and handle food shall wear clean, washable garments (aprons or smocks) and effective hair restraints. All food preparation and eating surfaces shall be sanitized before and after use. *(Division of Family and Children; 470 IAC 3-4.5-5; filed Aug 12, 1988, 1:50 p.m.: 12 IR 18; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Indiana State Department of Health (410 IAC 22-2-5) to the Division of Family and Children (470 IAC 3-4.5-5) by P.L.9-1991, SECTION 129, effective July 1, 1992.*

470 IAC 3-4.5-6 General sanitation

Authority: IC 12-13-5-3
Affected: IC 12-17.2

Sec. 6. (a) Cots and Cribs. Cots and cribs shall be constructed of sturdy, cleanable material and sanitized after each use; weekly sanitation of a cot or crib is acceptable if the cot or crib is used exclusively by the same child each day. Not more than one (1) child may occupy a crib or cot at any one (1) time. Linens and coverings shall be kept clean.

(b) Handwashing. Adults and children shall wash their hands after using the toilet and before eating.

(c) Ill Children. Ill children shall be kept separate from others and all surfaces and items with which a sick child has come in contact with shall be cleaned and sanitized after each use. Individual belongings shall be kept separate.

(d) Diapers. The diapering process shall be done on a table, in a clean and sanitary manner. The diaper changing surface shall be sanitized after each use and materials used for skin cleansing shall be discarded after each use into a tightly covered, easily sanitized container. Individuals responsible for diaper changing shall wash their hands after each diaper change. *(Division of Family and Children; 470 IAC 3-4.5-6; filed Aug 12, 1988, 1:50 p.m.: 12 IR 19; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Indiana State Department of Health (410 IAC 22-2-6) to the Division of Family and Children (470 IAC 3-4.5-6) by P.L.9-1991, SECTION 129, effective July 1, 1992.*

Rule 4.6. School Age Child Care Program

NOTE: Transferred from the Interdepartmental Board for the Coordination of Human Service Programs (490 IAC 3) to the Division of Family and Children (470 IAC 3-4.6) by P.L.9-1991, SECTION 133, effective July 1, 1992.

470 IAC 3-4.6-1 Purpose

Authority: IC 12-13-5-3; IC 12-17-12-17; IC 12-17-13-9
Affected: IC 12-17-12; IC 20-5-2-2; IC 20-5-6-7

Sec. 1. The purpose of 490 IAC 3 *[this article]* is to implement the school age child care program, authorized by IC 20-5-61 *[IC 20-5-61 was repealed by P.L.9-1991, SECTION 98, effective July 1, 1992.]*, which offers care to children between five (5) and fifteen (15) years of age for the period of time before or after the school day, or both, during periods when school is not in session, and during periods when school is in session for students who are enrolled in a half-day kindergarten program. *(Division of Family and Children; 470 IAC 3-4.6-1; filed Aug 15, 1988, 1:00 p.m.: 12 IR 20; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Interdepartmental Board for the Coordination of Human Service Programs (490 IAC 3-1-1) to the Division of Family and Children (470 IAC 3-4.6-1) by P.L.9-1991, SECTION 133, effective July 1, 1992.*

470 IAC 3-4.6-2 Definitions

Authority: IC 12-13-5-3; IC 12-17-12-17
Affected: IC 12-17-12

Sec. 2. "Board" means the interdepartmental board for the coordination of human service programs.

"Child's legal custodian" means the child's parent or custodian as determined by a court of law.

"Physical or mental incapacity" of the child's legal custodian is based on the receipt of Social Security disability or supplemental security income as the result of a disability, or the status of being an active vocational rehabilitation client, for the purposes of IC 20-5-61-10(a)(2)(C) *[IC 20-5-61 was repealed by P.L.9-1991, SECTION 98, effective July 1, 1992.]*.

"Vocational training" means certified or accredited programs when determining whether a family falls within the priorities as set forth at IC 20-5-61-10(a)(2)(A) *[IC 20-5-61 was repealed by P.L.9-1991, SECTION 98, effective July 1, 1992.]. (Division of Family and Children; 470 IAC 3-4.6-2; filed Aug 15, 1988, 1:00 p.m.: 12 IR 20; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Interdepartmental Board for the Coordination of Human Service Programs (490 IAC 3-1-2) to the Division of Family and Children (470 IAC 3-4.6-2) by P.L.9-1991, SECTION 133, effective July 1, 1992.*

470 IAC 3-4.6-3 Exclusions

Authority: IC 12-13-5-3; IC 12-17-12-17
Affected: IC 12-17-12

Sec. 3. The school age child care program does not include the following:

(1) The provision of kindergarten certified by the department of education.
(2) The provision of elementary or secondary education.
(3) The periods during weekends and summer vacation from school.
(4) Child care between the hours of 7 p.m. and 6 a.m., Monday through Friday.

(Division of Family and Children; 470 IAC 3-4.6-3; filed Aug 15, 1988, 1:00 p.m.: 12 IR 21; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Interdepartmental Board for the Coordination of Human Service Programs (490 IAC 3-1-3) to the Division of Family and Children (470 IAC 3-4.6-3) by P.L.9-1991, SECTION 133, effective July 1, 1992.

470 IAC 3-4.6-4 Service provisions

Authority: IC 12-13-5-3; IC 12-17-12-17
Affected: IC 12-17-12-12; IC 20-5-2-1.5; IC 20-5-2-2; IC 20-5-6-7; IC 20-8.1-1-1

Sec. 4. (a) In order to provide services under IC 12-17-12, an entity must be:

(1) a public school corporation as defined in IC 20-8.1-1-1; or
(2) a not-for-profit organization which:
  (A) is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code; and
  (B) has provided extracurricular activities or services to children during the year preceding the date of application for a grant under IC 12-17-12.

(b) Preference will be given to those providers who operate school-based programs.

(c) Service providers must adopt the following sliding fee schedule:

Percent of Poverty Level		Fee to be Paid, Per Family, Per Unit of Service
0 - 100%	=	No fee
101 - 109%	=	$ 1
110 - 118%	=	$ 2
119 - 127%	=	$ 3
128 - 136%	=	$ 4
137 - 145%	=	$ 5
146 - 154%	=	$ 6

155 - 163%	=	$ 7
164 - 172%	=	$ 8
173 - 181%	=	$ 9
182 - 190%	=	$10

(d) Children of parents whose incomes exceed one hundred ninety percent (190%) of poverty may also be served in the program. The fee charged for those children may be set by the provider.

(e) Service providers must serve clients on a priority of need basis under IC 12-17-12-12.

(f) Service providers may make school age child care available from 6:00 a.m. until 7:00 p.m., Monday through Friday, when school is in session, on school holidays, and school vacation days during the regular school year.

(g) Under this program, service providers will be reimbursed a specified rate per unit, each unit being defined as the provision of four (4) hours or more of school age child care for one (1) child. One-half (1/2) a unit is defined as up to four (4) hours of school age child care for one (1) child. *(Division of Family and Children; 470 IAC 3-4.6-4; filed Aug 15, 1988, 1:00 p.m.: 12 IR 21; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1087; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Interdepartmental Board for the Coordination of Human Service Programs (490 IAC 3-1-4) to the Division of Family and Children (470 IAC 3-4.6-4) by P.L.9-1991, SECTION 133, effective July 1, 1992.*

470 IAC 3-4.6-5 Transportation

Authority: IC 12-13-5-3; IC 12-17-12-17
Affected: IC 12-17-12

Sec. 5. Children enrolled in the school age child care program may be transported as a part of the program only:

(1) from the child's school to the care site; or

(2) from the care site to the child's school.

(Division of Family and Children; 470 IAC 3-4.6-5; filed Aug 15, 1988, 1:00 p.m.: 12 IR 21; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Interdepartmental Board for the Coordination of Human Service Programs (490 IAC 3-1-5) to the Division of Family and Children (470 IAC 3-4.6-5) by P.L.9-1991, SECTION 133, effective July 1, 1992.

470 IAC 3-4.6-6 Standards

Authority: IC 12-13-5-3; IC 12-17-12-17
Affected: IC 20-5-2-2; IC 20-5-6-7

Sec. 6. (a) Providers of school age child care shall meet the standards in this section.

(b) Staffing of the school age child care program shall be as follows:

(1) Health requirements for all staff shall be as follows:

(A) No person shall be permitted to perform any services in the program until the person has furnished the program with a statement from a physician that the person is free of tuberculosis in an infectious state. Each such person is required to have a health examination within three (3) months prior to entering the service of the program. The examination shall include a chest x-ray or Mantoux tuberculin test and may include laboratory tests and immunizations as deemed necessary by the attending physician. If the tuberculin test is positive, the chest x-ray is mandatory.

(B) Annual Mantoux tuberculin testing is mandatory for all persons having direct contact with children.

(C) Volunteers, substitutes, student aides, and any other personnel having direct contact with the children or providing food service are also subject to this subdivision. Records shall be kept for all of these persons.

(2) The director, who shall be at least twenty-one (21) years of age, with at least two (2) years of experience working with children in a children's program, or a two (2) year associate's degree in a child care related field, shall be responsible for the operation of the program at all times.

(3) During any necessary absence of the director, a responsible person shall be designated to be in charge, who shall have sufficient knowledge of emergency procedures and day to day operating procedures as is necessary to carry on the normal operation of the facility.

(4) No program shall operate at any time without a responsible person eighteen (18) years of age or older present on the

premises of the program.
(5) Persons having direct contact with children shall be equipped by education, training, skill, or experience to provide for the child's proper training and development as follows:
(A) Each staff member providing direct care to children shall have twelve (12) hours per year of inservice training. Fifty percent (50%) of these hours must be training received from a source other than the facility staff.
(B) All employees providing direct care to children shall have training in basic first aid within three (3) months of employment and at least every three (3) years thereafter.
(C) At all times when children are being cared for, the program must have on duty, or on the premises, at least one (1) staff member who is annually certified in a program on cardiopulmonary resuscitation and airway obstruction.
(6) The program shall provide substitute staff to replace employees on sick leave, vacation, or absent for other reasons. A responsible adult eighteen (18) years of age or older shall always be readily available to substitute for a regularly assigned staff member in charge of a unit of children.
(7) Volunteers, excluding parents, shall meet all the requirements and qualifications of the position to which they are assigned when they are counted in the child-staff ratios.
(8) Alcoholic beverages, weapons, and tobacco products shall not be permitted or used at the facility during the hours of operation in areas used for school age child care.
(c) Minimum staff to child ratios shall be as follows:
(1) The maximum number of children to be supervised by one (1) staff person is fifteen (15) if there are children who are five (5) years of age in the group, and twenty (20) for groups containing only children who are six (6) years of age or older.
(2) All persons who are responsible for and directly engaged in supervising and implementing activities for children shall be counted in determining the child-staff ratios.
(d) Emergency health care shall be as follows:
(1) The service providers shall establish a written plan for the emergency admission of a child who becomes ill or injured and needs emergency care.
(2) An easily accessible telephone and the telephone numbers of the program's consulting physician, parents of the children enrolled in the program, and of the closest emergency facility shall be immediately available.
(3) First aid procedures and emergency evacuation procedures shall be posted in each room occupied by children in this program.
(4) The program shall establish written policies regarding first aid for the care of illness or injuries, including directions for the care of poisoning, seizures, hemorrhaging, artificial respiration, and choking.
(5) Programs shall provide and use a separate area to isolate from the group any child having or suspected of having a communicable disease or any illness. Toilet and lavatory facilities shall be located within or near the area.
(6) The program shall have available to the staff a health record of each child enrolled in the program, including a record of allergies and chronic health conditions.
(7) Medication, poisons, and other harmful chemicals shall be securely locked in a cabinet or closet.
(8) No service provider shall administer any medication to a child except as permitted by state and local law and pursuant to express written authorization by the child's parent or guardian.
(e) Nutrition requirements shall be as follows:
(1) All programs shall provide meals and snacks that meet the dietary needs of each child as based on the current National Research Council Recommended Daily Dietary Allowances (NRC/RDA) according to each child's age, the length of the child's daily program attendance, and meals served at home.
(2) Children shall be served meals and snacks according to their hours of attendance and the weekly menus shall be posted.
(3) Breakfast shall be offered to children who are in attendance a substantial amount of time before school begins.
(4) Meal and snack assembly shall be done on a sanitized surface which is not located in a rest room.
(5) Drinking water must be readily available to all children.
(f) Physical space requirements shall be as follows:
(1) The indoor play area shall consist of not less than twenty (20) square feet of usable floor space per child enrolled.
(2) The indoor and outdoor premises of the facility shall be clean, comfortable, and safe, as follows:
(A) The facility shall be protected against rodents and insects.
(B) The outdoor space shall:

(i) be fenced;
(ii) have natural barriers; or
(iii) have other protective conditions;
to deter children from getting into unsafe conditions.
(C) There shall be no open drainage ditches, wells, or holes into which children may fall.
(D) Drainage shall be adequate to prevent stagnant pools of water from accumulating.
(E) Garbage and trash shall be stored in covered containers out of reach of the children and removed often enough to avoid creating a health hazard or nuisance.
(F) Open fireplaces shall not be used.
(G) All heating elements, including hot water pipes, shall be insulated or installed in a manner which makes them inaccessible to children.
(H) Furniture, equipment, and toys shall be sturdily constructed, without sharp edges, and present only minimal risks to children.
(I) Lead based paint shall not be used on surfaces accessible to children.
(J) Pets, animals, and fowl shall be maintained in a safe and sanitary manner at all times.

(g) Each school age child care program shall provide program activities that are appropriate to the various age levels of the children to be served and that meet the developmental needs of each child.

(h) When a school age child care program transports children, the program is responsible for the safety of those children. The school age child care program shall do the following:
(1) Require a current operator's license as required by law for each vehicle driver.
(2) Secure written authorization from a parent or guardian to transport the child.
(3) Load and unload at the curb or on the side of the street on which the home, facility, or other destination is located.
(4) Use only vehicles which meet the following requirements:
(A) The vehicle shall be enclosed.
(B) The vehicle shall be provided with locking doors.
(C) The vehicle seats shall be attached to the floor.
(D) The vehicle shall be maintained in good condition and meet safety standards set by the Indiana bureau of motor vehicles.

(Division of Family and Children; 470 IAC 3-4.6-6; filed Aug 15, 1988, 1:00 p.m.: 12 IR 21; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1088; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Interdepartmental Board for the Coordination of Human Service Programs (490 IAC 3-1-6) to the Division of Family and Children (470 IAC 3-4.6-6) by P.L.9-1991, SECTION 133, effective July 1, 1992.

470 IAC 3-4.6-7 Eligibility
Authority: IC 12-13-5-3; IC 12-17-12-17
Affected: IC 12-17-12

Sec. 7. (a) Every child between five (5) and fifteen (15) years of age is eligible for school age child care. However, the service providers must do the following:
(1) Follow the standards under section 6 of this rule.
(2) Follow the service priorities which are as follows:
(A) The first priority must be given to children who are referred to a program by the local child protection service agency under IC 31-6-11 *[IC 31-6 was repealed by 268-1995, SECTION 17, effective July 1, 1995.]*. Children in families with the lowest gross monthly income compared to other children in this priority level must be enrolled first.
(B) The second priority must be given to children in kindergarten and grades 1 through 3 and their siblings, if their families need school age child care services because of:
(i) enrollment of a child's legal custodian in vocational training under a degree program;
(ii) employment of a child's legal custodian; or
(iii) physical or mental incapacities of a child's legal custodian.
Children in families with the lowest gross monthly income compared to other children in this priority level must be

enrolled first.

(C) The third priority must be given to children in grades 4 through 9, if their families need school age child care services because of:

(i) enrollment of a child's legal custodian in vocational training under a degree program;

(ii) employment of a child's legal custodian; or

(iii) physical or mental incapacities of a child's legal custodian.

Children in families with the lowest gross monthly income compared to other children in this priority level must be enrolled first.

(D) The fourth priority must be given to children in families who do not meet the criteria set forth in clauses (A) through (C), but who have a gross income below one hundred percent (100%) of poverty.

(3) Follow the sliding fee schedule under section 4 of this rule.

(b) Service providers must obtain a declaration of the following:

(1) Family income.

(2) At least one (1) of the following:

(A) Referral of child by a local child protection service agency.

(B) Employment of child's legal custodian.

(C) Enrollment of child's legal custodian in vocational training under a degree program.

(D) The physical or mental incapacity of the child's legal custodian.

(3) The child's age, who must be between five (5) and fifteen (15) years of age.

(c) The poverty guidelines issued by the federal Office of Management and Budget shall be used to determine the poverty level to be used in the computation of the sliding fee.

(d) The fee required to be paid by each family will be based on gross income received in the thirty (30) day period prior to the date of application.

(e) Family income includes the following:

(1) Money, wages, or salary.

(2) The dollar amount of AFDC grants.

(3) Social Security income, including Social Security disability, supplemental security income, and old age pensions.

(4) Interest, rents, and dividends.

(5) Net income from self-employment.

(6) Pensions and annuities.

(7) Unemployment compensation.

(8) Worker's compensation.

(9) Alimony and child support.

(10) Veteran's pensions.

(Division of Family and Children; 470 IAC 3-4.6-7; filed Aug 15, 1988, 1:00 p.m.: 12 IR 22; filed Dec 1, 1992, 5:00 p.m.: 16 IR 1090; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Interdepartmental Board for the Coordination of Human Service Programs (490 IAC 3-1-7) to the Division of Family and Children (470 IAC 3-4.6-7) by P.L.9-1991, SECTION 133, effective July 1, 1992.

470 IAC 3-4.6-8 Eligibility appeal process

Authority: IC 12-13-5-3; IC 12-17-12-17

Affected: IC 4-21.5-1; IC 12-17-12

Sec. 8. (a) An individual who has been denied services may appeal that action to the board after attempting to resolve the problem with the local service provider.

(b) The request for a hearing must be submitted in writing and signed by the appellant. This request must be received by the board within thirty (30) days of the appellant's notification that services are denied.

(c) The board shall hold the hearing within thirty (30) days after receipt of the request for a hearing.

(d) The hearing shall be conducted in accordance with the Indiana Administrative Adjudication Act, IC 4-21.5-1.

(e) The board shall notify the appellant and the local service provider by certified mail of the appeal decision within ten (10)

days after the hearing. *(Division of Family and Children; 470 IAC 3-4.6-8; filed Aug 15, 1988, 1:00 p.m.: 12 IR 23; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Interdepartmental Board for the Coordination of Human Service Programs (490 IAC 3-1-8) to the Division of Family and Children (470 IAC 3-4.6-8) by P.L.9-1991, SECTION 133, effective July 1, 1992.*

470 IAC 3-4.6-9 Applications of service providers

Authority: IC 12-13-5-3; IC 12-17-12-17
Affected: IC 12-17-12

Sec. 9. (a) The interdepartmental board for the coordination of human service programs shall send out proposal packets at least yearly.

(b) All proposals which are completed by potential service providers and returned to the interdepartmental board shall be evaluated using the following criteria:

(1) cost-effectiveness of the program plan;
(2) whether the goals and objectives are realistic in relationship to the program design, staff, and budget;
(3) adherence to the school age child care service definitions;
(4) adherence to specific requirements of IC 20-5-61 and 490 IAC 3 *[this article]*;
(5) administrative capability of the service provider to comply with the terms of the contract;
(6) the need for the program in the proposed service area as compared to the quantity of providers elsewhere in the state;
(7) other relevant criteria as deemed necessary by the board.

(Division of Family and Children; 470 IAC 3-4.6-9; filed Aug 15, 1988, 1:00 p.m.: 12 IR 23; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235) NOTE: Transferred from the Interdepartmental Board for the Coordination of Human Service Programs (490 IAC 3-1-9) to the Division of Family and Children (470 IAC 3-4.6-9) by P.L.9-1991, SECTION 133, effective July 1, 1992.

Rule 4.7. Child Care Centers; Licensing

470 IAC 3-4.7-1 General definitions

Authority: IC 12-13-5-3
Affected: IC 12-7-2-28.4; IC 12-17.2-4

Sec. 1. For the purpose of this rule only, the following definitions apply:

(1) "Accredited college or university" means accreditation by accrediting agencies and associations that are recognized by the United States Secretary of Education.
(2) "Additional portion of food" means one (1) extra helping of food.
(3) "Administrator" means the person who is responsible for personnel, purchasing, fiscal, and maintenance of the child care center.
(4) "Admission" means the process of entering a child in a child care center. The date of admission is the first day that the child is actually present at the center.
(5) "Age appropriate" means designed for the particular age of child served.
(6) "Attendance" means children present in the child care center at any given time.
(7) "Capacity determination" means the division will determine maximum capacity based on square footage by adding the capacities of the individual rooms/areas. The division compares the square footage capacity with the capacity based on the number of toilets and sinks. The lesser of these two (2) capacities determines the maximum capacity of the center. Capacity for fire and building issues may be different.
(8) "Caregiver" means the early childhood professional that is a qualified staff person providing direct care and education to children.
(9) "CDA" refers to the Child Development Associate credential issued by the Council for Early Childhood Professional Recognition.
(10) "Center" refers to the person or persons in the child care center designated by the licensee to be responsible for following each individual section of this rule.

(11) "Child" means any person under thirteen (13) years of age.
(12) "Child care center" has the meaning set forth in IC 12-7-2-28.4, a nonresidential building where at least one (1) child receives child care from a provider:
(A) while unattended by a parent, legal guardian, or custodian;
(B) for regular compensation; and
(C) for more than four (4) but less that twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays.
(13) "Child care health consultant" means a physician, a certified pediatric or family nurse practitioner, or a registered nurse with pediatric or out of home child care experience and shall be knowledgeable about out of home child care, community child care licensing requirements, and available health resources.
(14) "Child/staff ratio" means the number of children supervised by one (1) qualified staff person.
(15) "Class room/area" means the room or area within a room occupied by a group of children and caregivers on a regular basis throughout the day.
(16) "Conspicuous place" means a place that is easily visible and at eye level viewed daily by the parents.
(17) "Consulting resource person" means:
(A) a physician;
(B) a nurse;
(C) a psychologist;
(D) a social worker;
(E) a speech therapist;
(F) a physical and occupational therapist;
(G) an educator; or
(H) other technical and professional person whose expertise the center utilizes in providing specialized services to children.
(18) "Contamination" means to soil or infect by any form of contact.
(19) "Continuity of care" means the center maintains a primary caregiving relationship over a period of years. Infants and their primary caregivers stay together until all children in the group are at least thirty (30) months of age.
(20) "Corporal punishment" means any kind of punishment inflicted on a child's body.
(21) "Criminal history check" means an Indiana state police search and report of criminal records on forms provided by that agency.
(22) "Developmentally appropriate" means a program planned and carried out that takes into account the level of physical, social, emotional, and intellectual development of a child.
(23) "DFBS" means the department of fire and building safety.
(24) "Direct supervision" means that qualified caregivers:
(A) have all children in sight;
(B) are alert to any problems that may occur; and
(C) are taking an active supervisory role with the children.
(25) "Directly accessible" means accessible without crossing a motor traffic throughway.
(26) "Director" means the person responsible for the operation for the child care center at all times.
(27) "Discipline" means the ongoing process of helping children to develop self-control for self-management while protecting and maintaining the integrity of the child.
(28) "Division" refers to the division of family and children.
(29) "Documentation" means written records or copies of documents kept in files at the child care center.
(30) "Early childhood professional" means the qualified caregiver providing direct supervision to children.
(31) "Early childhood program" means a program of activities provided for children ages birth to eight (8) years of age.
(32) "Enrollment" means the list of children registered with the child care center.
(33) "EPA" means Environmental Protection Agency.
(34) "Field trip" means an event or activity that meets the following conditions:
(A) The center sponsors it.
(B) It is conducted on property that is not part of the licensed child care center or their safely enclosed playground.

(C) Children enrolled in the child care center participate in it.
(D) Child care center caregivers supervise the children.
(E) It occurs during the child care center's regular hours of operation.

(35) "Filthy" means heavily soiled, dirty, or other unclean conditions, which present a health or safety hazard to children.
(36) "FPBSC" refers to fire prevention and building safety commission.
(37) "Group" means a number of children who routinely work, learn, eat, sleep, and play together inside and outside.
(38) "Hand washing" means to cleanse hands and wrists a minimum of twenty (20) seconds using soap and warm, running water (one hundred (100) degrees Fahrenheit through one hundred twenty (120) degrees Fahrenheit) at a hand sink.
(39) "Ill child care" means the care of temporarily ill children, twelve (12) months of age or older, that centers must normally exclude. Caregivers care for these children in a part of the child care center specifically approved for ill child care.
(40) "IDEM" means Indiana department of environmental management.
(41) "Individual education plan" or "IEP" has the meaning set forth in the Individuals with Disabilities in Education Act (20 U.S.C. 1400 et seq.).
(42) "Individual family service plan" or "IFSP" has the meaning set forth in the Individuals with Disabilities in Education Act (20 U.S.C. 1400 et seq.).
(43) "Infant" means a child who is at least six (6) weeks of age until the child is able to walk consistently unassisted.
(44) "ISDH" means Indiana state department of health.
(45) "Kindergartner" means a child who is age-eligible to be enrolled in private or public kindergarten program.
(46) "Lead caregiver" refers to the caregiver assigned to implement the program for a group of children.
(47) "Learning center" means a defined area, within the class room/area, in which children may participate in similar or related types of activities.
(48) "License" means the actual completed document issued by the division to the licensee that authorizes the operation of the child care center.
(49) "Licensed capacity" means the maximum number of children permitted in the child care center at any one (1) time as stated on the license. This may be different than the fire and building occupant load capacity.
(50) "Licensee" means the individual, agency, organization, corporation, or board of directors that actually owns or assumes responsibility for the child care center business and is granted a license to operate under this rule by the division.
(51) "Maximum age range" means the maximum difference in age between the youngest and oldest child in any particular group of children.
(52) "Minor injury" means any injury that requires first aid treatment, but does not require medical attention by medical personnel.
(53) "OSHA" means Occupational Safety and Health Administration.
(54) "Parent" refers to the person assuming legal responsibility for the care and protection of the child on a twenty-four (24) hour basis, including a guardian or legal custodian.
(55) "Physician" means a person holding an unlimited license to practice medicine.
(56) "Potentially hazardous food" means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic micro-organisms. The term does not include foods that have a pH level of four and six-tenths (4.6) or below or a water activity (a_w) value of eighty-five hundredths (0.85) or less under standard conditions or food products in hermetically sealed containers processed to prevent spoilage and as defined in 410 IAC 7-20-59.
(57) "Preschool children" means children at least three (3) years of age and not yet attending first grade.
(58) "Primary caregiver" means a caregiver is assigned to be primarily responsible for meeting the needs of specific children, especially for feeding, diapering, and periods when the child is falling to sleep or awakening.
(59) "Program" means all activities provided for children during their hours of attendance at the child care center.
(60) "Punishment" means the use of negative consequences to correct unacceptable behavior.
(61) "Room" means an area enclosed on all sides by walls that extend from floor to ceiling.
(62) "Sanitation" means the promotion of hygiene and the prevention of disease by maintenance of sanitary environmental conditions and practices.
(63) "Sanitizable" means an article, utensil, or equipment that can be easily sanitized because of the material composition.

(64) "Sanitize" means the effective bactericidal treatment by a process that provides adequate accumulative heat or concentration of chemicals for adequate time to reduce the bacterial count, including pathogens, to a safe level on utensils and equipment.
(65) "School age children" means children attending first grade or above.
(66) "Serious injury" means any injury that requires medical attention by a dentist, physician, emergency room personnel, ambulance attendant, or any other medical personnel.
(67) "SFM" means the office of the state fire marshal.
(68) "Shock absorbing surface" means ground cover placed under and around equipment designed to absorb a fall.
(69) "Staff" means any person employed by the child care center.
(70) "Sterilized" means to boil infant bottles a minimum of five (5) minutes, and nipples, collars, and caps a minimum of three (3) minutes to rid them of micro-organisms.
(71) "Support staff" means service staff, such as cooks, maintenance persons, secretaries, and bus drivers.
(72) "Swimming pool" means any pool used for swimming that is more than twenty-four (24) inches in depth.
(73) "Time out" means an out of group activity for a child with adult supervision.
(74) "Toddler" means a child who is less than thirty (30) months of age and is able to walk consistently unassisted.
(75) "Unit block" means a solid wood block that comes in many shapes and sizes. The basic unit block is approximately five and one-half (5½) inches by two and three-fourths (2¾) inches by one and three-eighths (13/8) inches. All other blocks are proportional in length or width to this basic unit.
(76) "Visitor" means any person observing or assisting in the child care center for no compensation and for less than eight (8) hours per month.
(77) "Volunteer" means a person working or assisting in the child care center more than eight (8) hours per month who is not paid by the center.
(78) "Wading pool" means any pool used for wading that is twenty-four (24) inches or less in depth that meets the standards of ISDH rule 410 IAC 6-2.1.
(79) "Water" means water meeting the minimum water quality standards of IDEM rule 327 IAC 8-2.
(Division of Family and Children; 470 IAC 3-4.7-1; filed Aug 11, 2003, 3:00 p.m.: 27 IR 116)

470 IAC 3-4.7-2 Licensing requirements
Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 2. (a) All new construction shall have plan releases from both the department of fire and building services (DFBS) and the ISDH prior to construction and licensing.
(b) Child care centers shall fully comply with all the rules of the FPBSC under 675 IAC that apply to child care centers, including, without limitation, rules concerning change of occupancy.
(c) The center shall submit a complete application including all required written documentation.
(d) The center shall submit a written plan for nutrition and food service and two (2) weeks of menus for approval by the division prior to licensure and thereafter as required by this rule.
(e) The center shall submit a written health program form for approval by the division prior to licensure and thereafter as required by this rule.
(f) The building shall pass on-site inspections prior to licensure and license renewals.
(g) The attendance at the child care center shall not at any time exceed the capacity approved by the division.
(h) The child care center may only provide care to children of the age approved by the division and the DFBS.
(i) The child care center shall not operate in an area where conditions exist that could be injurious to the welfare of children.
(j) The child care center shall meet the zoning requirements of their locale. *(Division of Family and Children; 470 IAC 3-4.7-2; filed Aug 11, 2003, 3:00 p.m.: 27 IR 119)*

470 IAC 3-4.7-3 Child care center license
Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 3. (a) The license is not transferable to another person, organization, or sponsor.
(b) The license is only valid for the address shown on the license.
(c) The center shall post the license in a conspicuous place that parents regularly view.
(d) Only areas licensed and approved by the division may be used by the licensed child care center.
(e) The center must file an application and obtain a new license prior to any of the following:
(1) Expanding their services.
(2) Changing the age of children served.
(3) Increasing their licensing capacity.
(Division of Family and Children; 470 IAC 3-4.7-3; filed Aug 11, 2003, 3:00 p.m.: 27 IR 119)

470 IAC 3-4.7-4 Application required
Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 4. A center shall file an application under any of the following conditions:
(1) Prior to initial licensure.
(2) A minimum of sixty (60) days prior to the expiration of a current license.
(3) When an application for license has been voluntarily withdrawn and the center wishes to reapply.
(4) If more than one (1) year has lapsed since filing the initial application and the child care center has not met sufficient standards to qualify for a provisional license.
(5) There is a change of address of the child care center.
(6) There is a change of name, ownership, or corporate status of the center.
(Division of Family and Children; 470 IAC 3-4.7-4; filed Aug 11, 2003, 3:00 p.m.: 27 IR 119)

470 IAC 3-4.7-5 Application for change of license
Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 5. (a) When a licensed child care center seeks to change its name or corporate status, the following must occur:
(1) The center must complete a new application reflecting the revised status.
(2) The governing body or its representative must sign and submit the application to the division thirty (30) days prior to the effective date of the changes.
(3) The center must attach amended articles of incorporation.
(b) When a licensed child care center has a change of ownership, the following must occur:
(1) The new owner shall submit a new application reflecting the revised status and any changes in operation.
(2) The owner must provide proof of ownership (bill of sale) within ten (10) days of finalization of the sale.
(3) After receiving the application, the division may grant a six (6) month provisional license to the new owner, in order to give the new owner time to obtain regular licensure.
(Division of Family and Children; 470 IAC 3-4.7-5; filed Aug 11, 2003, 3:00 p.m.: 27 IR 119)

470 IAC 3-4.7-6 Revocation or denial of license
Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 6. If a child care center license is revoked or denied, the licensee may reapply for licensure by the division, except when prohibited by court order. *(Division of Family and Children; 470 IAC 3-4.7-6; filed Aug 11, 2003, 3:00 p.m.: 27 IR 120)*

470 IAC 3-4.7-7 Civil penalties
Authority: IC 12-13-5-3
Affected: IC 12-17.2-2-3; IC 12-17.2-4

Sec. 7. (a) The division may impose civil penalties whenever the following occurs:
(1) The center knowingly operates without a license and the loss of the license or failure to obtain a license was due to the center's inability to meet licensing standards.
(2) The center fails to notify the division of serious occurrences as required by section 12 of this rule or fails to close the center after this notification, if directed by the division.
(3) The center receives a probationary license. The division may impose a fine for each probationary period at the time that the probationary license is issued.
(b) The division will notify the center in writing of a fine including the reason for the civil penalty and the amount of the fine.
(c) The payment by check shall be made out to the division "Child Care Fund" listed in IC 12-17.2-2-3.
(d) Failure to pay a fine may result in suspension or revocation of the child care license. *(Division of Family and Children; 470 IAC 3-4.7-7; filed Aug 11, 2003, 3:00 p.m.: 27 IR 120)*

470 IAC 3-4.7-8 Criminal history check; required actions
Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 8. (a) Sufficient grounds exist to revoke or deny licensure if an owner or director commits any crime that would require that they be listed in any state or national registry that is intended to protect children from violent and sex offenders.
(b) Sufficient grounds exist to deny employment or to dismiss any employee if the employee commits any crime that would require that they be listed in any state or national registry that is intended to protect children from violent and sex offenders.
(c) If a criminal history check of an owner, director, employee, or volunteer shows that any of the following offenses has occurred, sufficient grounds exist to revoke or deny licensure, deny employment, or dismiss an employee, as applicable:
(1) Adoption schemes.
(2) Adulterating drugs, controlled substances, or preparations.
(3) Aiding or abetting the filing of false claims.
(4) Allowing an establishment to be used for illegal purposes.
(5) Any crime that involves a violent act or a threat of a violent act.
(6) Armed robbery.
(7) Arson.
(8) Assault.
(9) Attempts to commit armed robbery, burglary, or robbery.
(10) Attempts to commit criminal sexual conduct.
(11) Attempts to commit homicide or murder.
(12) Attempts to commit kidnaping.
(13) Battery.
(14) Bribery.
(15) Burglary.
(16) Child abuse, neglect, or exploitation.
(17) Concealing stolen property.
(18) Criminal sexual conduct in any degree.
(19) Cruelty toward or torture of any animal.
(20) Cruelty toward or torture of any person.
(21) Embezzlement.
(22) Extortion.
(23) Filing of false claims.
(24) Fraud.
(25) Homicide.
(26) Kidnaping.
(27) Larceny by conversion.
(28) Larceny by trick.

(29) Manslaughter.
(30) Mayhem.
(31) Murder.
(32) Negligent homicide.
(33) Obtaining property by false pretenses.
(34) Offenses involving narcotics, alcohol, or controlled substances that result in a felony conviction.
(35) Poisoning.
(36) Prostitution or related crimes.
(37) Receiving stolen property.
(38) Robbery.
(39) Unlawful manufacture or delivery of drugs or possession with intent to manufacture or deliver drugs.

(d) The center may request a waiver under subsection (c) based on the specific circumstances of the case, but a person shall not be employed by a center or a child care center approved for licensure unless the waiver is granted.

(e) The center shall notify the division immediately of any felony conviction that appears on a criminal history check or is otherwise known by the center.

(f) Any felony listed in subsection (c) is sufficient grounds to revoke or deny licensure and to dismiss any employee. Hiring an employee with felony convictions not listed in subsection (c) will require prior approval of the division.

(g) The division must approve any exceptions made under this section. *(Division of Family and Children; 470 IAC 3-4.7-8; filed Aug 11, 2003, 3:00 p.m.: 27 IR 120)*

470 IAC 3-4.7-9 Inspections

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 9. (a) The division may, at any time, monitor, visit, or inspect the child care center.

(b) The center shall provide the division access to the premises, personnel, children in care, and records.

(c) The center shall provide access to personnel from other state agencies or other persons who provide inspections at the request of the division.

(d) Failure to permit immediate access to the child care center may result in suspension or revocation of the child care license. *(Division of Family and Children; 470 IAC 3-4.7-9; filed Aug 11, 2003, 3:00 p.m.: 27 IR 121)*

470 IAC 3-4.7-10 Emergency closure of child care centers

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 10. (a) When conditions arise that make the building unsafe, the center must take immediate action to provide for the safety and well-being of children and staff. Unsafe conditions include, but are not limited to, the following:

(1) Building damage due to:
  (A) earthquake;
  (B) flooding or water damage;
  (C) tornado;
  (D) severe wind;
  (E) ice storm; or
  (F) fire.
(2) Sewage problems as follows:
  (A) Sewage backup.
  (B) Toilets cannot be flushed or are overflowing.
  (C) Sewage system is not operating properly.
(3) Inadequate or unsafe water supply as follows:
  (A) Contaminated water supply.

(B) Water supply not functioning.
(4) No electricity to the building.
(5) Heating system problems.
(6) Gas, carbon monoxide, or other noxious gases leak.
(7) Filthy conditions.
(8) Rodent, roach, or vermin infestation.
(9) Building renovation occurring in a room or area occupied by children.
(b) All centers shall have a written plan for correcting the conditions listed in subsection (a) and must inform parents when such conditions exist. The child care center may be required to close until the situation is corrected.
(c) The center must report any of the conditions listed in subsection (a) to the division as soon as the children have been removed to safety or sent home.
(d) If closure is necessary for one (1) of the conditions listed in subsection (a), a child care center may not reopen without division approval. This approval will be contingent on one (1) or more of the following:
(1) Inspections and approval of the building by the division or the SFM.
(2) Division receipt of two (2) satisfactory water sample reports twenty-four (24) hours apart for private wells or approval by municipal system.
(3) Other verification of correction of the problem necessitating the closure.
(Division of Family and Children; 470 IAC 3-4.7-10; filed Aug 11, 2003, 3:00 p.m.: 27 IR 121)

470 IAC 3-4.7-11 Reporting requirements; general
Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 11. (a) The governing body, or others designated to represent the child care center, shall immediately notify the division, in writing, of the following:
(1) Change in the name of licensee.
(2) Change in the name of the child care center.
(3) Change in the location of the child care center prior to relocation.
(4) Change in the number of children to be cared for, if in excess of the number authorized in the license, prior to the acceptance of the additional children.
(5) Change in the ages of children to be cared for, when the change includes the care for children above or below the ages as authorized in the license, prior to the acceptance of the child or children.
(6) Change in the hours of operation, after 6 p.m. and before 6 a.m.
(7) The closing of the child care center operation and the effective date.
(8) Alterations or construction that changes room sizes or adds space to the child care center prior to construction.
(9) Change in the use of rooms, especially regarding infants, toddlers, and twos, unless the room has previously been approved for the particular new use.
(10) Employment of a new director.
(11) Any damage caused by fire or natural disaster that occurs on the premises of the child care center.
(12) Any sign of failure of the septic system or an unsatisfactory water report.
(13) Absence of electricity, heat, or approved water supply to the child care center for longer than one (1) hour.
(14) Any serious child injury, occurring while the child is in the care of child care center caregivers, that requires medical attention by:
(A) a dentist;
(B) a physician;
(C) emergency room personnel;
(D) an ambulance attendant; or
(E) any other medical personnel;
shall be reported on forms provided by the division.
(15) The death of any child that occurred while the child was on the premises of the child care center or while in the care of

child care center caregivers.

(16) Any arrest of the director or an employee for either of the following offenses:

(A) A felony.

(B) A misdemeanor relating to the health and safety of children.

(17) If notice is received of any legal action against the child care center.

(b) Failure to report any of subsection (a) within five (5) calendar days may result in probation, suspension, or revocation of the child care center license. *(Division of Family and Children; 470 IAC 3-4.7-11; filed Aug 11, 2003, 3:00 p.m.: 27 IR 121)*

470 IAC 3-4.7-12 Reporting requirements; serious occurrences

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 12. (a) The center shall verbally report immediately to the affected child's parent and to the division any serious occurrences involving any child. These occurrences include, but are not limited to, the following:

(1) Serious injury requiring hospitalization.

(2) Death.

(3) Arrest of child care personnel.

(4) Alleged abuse or neglect by child care center personnel.

(5) Fire or natural disaster at the child care center.

(6) Any noxious gas leak.

(7) A lack of electrical power, water, or sewer.

(8) Unsatisfactory water sample.

(b) Child care center authorities shall confirm verbal reports to the division, in writing, within five (5) days of the occurrence unless otherwise directed by the division. *(Division of Family and Children; 470 IAC 3-4.7-12; filed Aug 11, 2003, 3:00 p.m.: 27 IR 122)*

470 IAC 3-4.7-13 Reporting child abuse or neglect

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 13. (a) The center shall at all times maintain the confidentiality of all information obtained regarding the suspected abuse or neglect of a child.

(b) During the first two (2) weeks of employment, all staff shall receive documented training in recognizing and reporting child abuse and neglect. The director shall update this training annually.

(c) A center shall not employ or utilize the services of a person known by the division and reported to the center as a substantiated perpetrator of child abuse or neglect.

(d) The center shall develop written guidelines for reporting suspected child abuse or neglect and include in staff training.

(e) The director and all staff shall refrain from questioning children and suspected perpetrators beyond gathering information to report the suspected abuse or neglect to child protective services.

(f) Staff shall immediately report suspected child abuse or neglect as follows:

(1) If the alleged abuse or neglect occurred while the child was under the care of the child care center or the center receives a complaint from anyone regarding possible abuse or neglect of a child by a staff member, they or the director must immediately call the institutional abuse hotline or a law enforcement agency and self-report the suspected abuse or neglect. The statewide institutional abuse phone number is 1-800-562-2407.

(2) If the alleged abuse or neglect occurred while the child was not under the care of the child care center, staff shall immediately report suspected abuse or neglect to the county child protective services. The statewide phone number is 1-800-800-5556.

(g) Reporting suspicions to the director or other supervisory personnel does not relieve the individual staff of their responsibility to report directly to child protective services.

(h) The center shall dismiss the employee or volunteer if the child protective services investigation substantiates the abuse

or neglect. *(Division of Family and Children; 470 IAC 3-4.7-13; filed Aug 11, 2003, 3:00 p.m.: 27 IR 122)*

470 IAC 3-4.7-14 Reporting communicable disease

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 14. (a) When staff suspect that a child may have a communicable disease, the director shall notify the child's parent or guardian.

(b) When more than one (1) child in the child care center has been diagnosed with a communicable disease, the center shall take the following action:

(1) The center shall immediately notify all parents of the children and all staff members that have been exposed by posting a notice in a conspicuous place in the child care center or by giving a personal note to each parent and staff member.

(2) The center shall call one (1) or more of the following:

(A) The local health department for consultation.
(B) The division's child care health section.
(C) The child care center's health consultant.

(Division of Family and Children; 470 IAC 3-4.7-14; filed Aug 11, 2003, 3:00 p.m.: 27 IR 123)

470 IAC 3-4.7-15 Personnel policies

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 15. (a) The center shall have written personnel policies available to staff at all times.

(b) The center shall establish and maintain a written policy that prohibits smoking on the child care premises.

(c) The center's written personnel policies shall address the following health hazards for child care:

(1) Infectious disease, including, but not limited to, the following:

(A) Hepatitis A.
(B) Cytomegalovirus (CMV).
(C) Chicken pox.
(D) Rubella.
(E) Measles.
(F) Pertussis (whooping cough).
(G) Fifth disease.
(H) Influenza.
(I) Tuberculosis.
(J) Shigellosis.
(K) Giardiasis.
(L) Meningococcal disease.
(M) Group A streptococcus.
(N) Ringworm.
(O) Scabies.
(P) Lice.
(Q) Herpes.
(R) Cryptosporidiosis.
(S) Diarrhea caused by escherichia coli (E. coli).
(T) Rotavirus.
(U) Campylobacterium.
(V) Salmonella.
(W) Diarrhea and vomiting.

(2) Injuries and noninfectious diseases, including, but not limited to, the following:

(A) Back injuries.
(B) Bites.
(C) Dermatitis.
(3) Stress.
(4) Environmental exposures, including, but not limited to, the following:
(A) Art materials.
(B) Formaldehyde (indoor air pollution).
(C) Noise.
(D) Disinfecting solutions.
(E) Latex.
(Division of Family and Children; 470 IAC 3-4.7-15; filed Aug 11, 2003, 3:00 p.m.: 27 IR 123)

470 IAC 3-4.7-16 Enrollment policies
Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 16. The director shall discuss and give the following information, in writing, to the parent at the time of the child's enrollment:
(1) The name of the persons legally responsible for the child care center.
(2) Description of the program.
(3) Policy regarding children who are left past closing time.
(4) Provisions for emergency medical care.
(5) Provisions for treatment of illness.
(6) Policy regarding visits, field trips, or excursions off the premises.
(7) Policy regarding the child care center's abuse and neglect reporting responsibilities.
(8) Policy regarding the release of a child to an intoxicated or impaired person.
(9) The discipline policies of the center.
(10) A statement that the child will be released only to a parent, legal guardian, or other person authorized by the parent who has proper identification.
(11) A statement that persons bringing or picking up the child shall be responsible to notify a staff member of the child's arrival or departure and that the person shall in some manner sign the child in and out by name and time of arrival and departure.
(12) A statement regarding the necessity of a health examination for the child, including up-to-date immunizations.
(Division of Family and Children; 470 IAC 3-4.7-16; filed Aug 11, 2003, 3:00 p.m.: 27 IR 123)

470 IAC 3-4.7-17 Admission, discharge, arrival, and departure policies
Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 17. (a) The center shall provide the parent explicit, documented, formal written reasons for refusal to admit or provide care to a child.
(b) Staff shall require any person picking up a child, and not known by the caregiver, to provide identification.
(c) If a court order exists preventing a particular individual from having contact with a child, the center shall comply with the order. The center shall keep a copy of the court order on file.
(d) If an intoxicated or impaired person insists on removing children from the care of a licensed child care center, the center shall immediately report the incident to the local police agency.
(e) Unscheduled visits by a custodial parent or guardian of a child shall be permitted at any time the child care center is in operation. *(Division of Family and Children; 470 IAC 3-4.7-17; filed Aug 11, 2003, 3:00 p.m.: 27 IR 124)*

470 IAC 3-4.7-18 Parent communication

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 18. (a) At the time of admission, the center shall obtain, from the parent, information about the child to assist the center in meeting the daily needs of the child.

(b) Caregivers shall have periodic interviews with the parent to assure consistency of child care and mutual awareness of the child's progress, development, and problems.

(c) Caregivers shall inform the parent of any important information regarding their child on the day of occurrence.

(d) Centers shall forward to parents and staff information or handouts provided by the division regarding inclusion, rules, and other child care information. *(Division of Family and Children; 470 IAC 3-4.7-18; filed Aug 11, 2003, 3:00 p.m.: 27 IR 124)*

470 IAC 3-4.7-19 Posted items

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 19. (a) The following items shall be prominently posted in a place regularly viewed by parents:

(1) The license.

(2) The name of the director and name of the person in charge in the director's absence.

(3) A child/staff ratio chart.

(4) Weekly menus.

(5) Prohibitions against:

(A) smoking;

(B) use of alcohol;

(C) use or possession of firearms is prohibited unless the person is required to carry a firearm as a condition of their employment; and

(D) use or possession of illegal substances or unauthorized potentially toxic substances;

in the child care center.

(6) The telephone number of the division's licensing office.

(b) The center shall post the following items:

(1) Hand washing procedures at each adult sink area.

(2) Diaper changing procedures at each diaper changing area.

(3) A copy of infant feeding plans in each infant room.

(4) Procedures for bottle sterilization, where this occurs.

(5) Fire and emergency disaster routes in each child care room.

(6) Disaster and shelter procedures in each child care room.

(7) Dish washing procedures, where this occurs.

(8) Instructions for mixing and use of sanitizing solutions for cots, tables, toys, dish washing, and diaper changing areas, where the solution is prepared.

(9) Approved first aid directives in each child care area.

(10) Cleaning schedules in all food storage, preparation, and service areas.

(c) Staff shall post by the telephone the name and address of the child care center and a list of emergency telephone numbers as follows:

(1) Fire department.

(2) Police department.

(3) Ambulance.

(4) Nearest hospital.

(5) Poison control.

(6) The county child protective services number, 1-800-800-5556.

(7) The institutional abuse hotline number, 1-800-562-2407.

(8) The child care information line, 1-877-511-1144.
(Division of Family and Children; 470 IAC 3-4.7-19; filed Aug 11, 2003, 3:00 p.m.: 27 IR 124)

470 IAC 3-4.7-20 Insurance
Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 20. The center shall carry the following insurance:
(1) Liability insurance.
(2) Insurance on any child care center owned or leased vehicle used to transport children while under the care of the center.
(Division of Family and Children; 470 IAC 3-4.7-20; filed Aug 11, 2003, 3:00 p.m.: 27 IR 125)

470 IAC 3-4.7-21 Director qualifications
Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 21. (a) The director shall be a minimum of twenty-one (21) years of age.
(b) Each child care center must employ a qualified person to carry out the responsibilities of the director.
(c) The director shall meet one (1) of the following minimum education and experience qualifications:
(1) A bachelor of arts or bachelor of science degree from an accredited college or university in early childhood education or elementary education with a kindergarten endorsement and grades of C or better.
(2) Any bachelor of arts or bachelor of science degree from an accredited college or university must include one (1) of the following:
(A) Fifteen (15) credit hours in college level courses with documented content relating to the needs, skills, development, or teaching methods of children six (6) years of age or younger and grades of C or better.
(B) A CDA.
(3) A two (2) year associate's degree in early childhood education from an accredited college or university, with a grade of C or better and a minimum of three (3) years of experience in an early childhood program.
(d) All directors who were employed as a director prior to December 1, 1985, are exempt from the specific educational requirements for this position provided that his or her position continues as a director at that child care center. *(Division of Family and Children; 470 IAC 3-4.7-21; filed Aug 11, 2003, 3:00 p.m.: 27 IR 125)*

470 IAC 3-4.7-22 Director responsibilities
Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 22. (a) The director shall work on site during the child care center's scheduled hours of operation a minimum of thirty (30) hours per week or fifty percent (50%) of the total weekly hours of operation, whichever is less. Required training or education away from the child care center may be counted time for this requirement.
(b) The director shall not permit other employment or activities, including teaching responsibilities, to interfere with the operation of the child care center.
(c) The director responsibilities shall include the following:
(1) The general planning and supervision of the developmentally appropriate program.
(2) Orientation of newly employed child caregivers.
(3) Supervision and evaluation of child caregivers.
(4) Ensuring that caregivers receive ongoing training.
(d) The director shall designate a responsible caregiver, at least twenty-one (21) years of age, to be in charge during any absences of the director and include the following:
(1) The director shall post his or her name and the name of the director-designee in a conspicuous place.
(2) The director-designee shall have the following qualifications:

(A) Knowledge of this rule to carry on normal operation of the child care center.
(B) A working understanding of office routine.
(C) Access to child and personnel files.
(D) The ability to communicate with the staff from the various state regulatory agencies.
(E) Training and ability to handle all emergency procedures and routines.
(Division of Family and Children; 470 IAC 3-4.7-22; filed Aug 11, 2003, 3:00 p.m.: 27 IR 125)

470 IAC 3-4.7-23 Administrator responsibilities
Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 23. (a) An administrator that is not the director may carry out the day-to-day operating responsibilities of child care centers.
(b) The administrator need not meet the education and experience requirements of the director.
(c) The administrator may carry out the following responsibilities:
(1) All personnel matters.
(2) Purchasing equipment and supplies.
(3) All fiscal matters.
(4) Supervision of maintenance.
(d) If an administrator is not employed, these duties are the responsibility of the director. *(Division of Family and Children; 470 IAC 3-4.7-23; filed Aug 11, 2003, 3:00 p.m.: 27 IR 125)*

470 IAC 3-4.7-24 Caregiver qualifications
Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 24. All caregivers counted in child/staff ratios shall meet the following qualifications:
(1) They shall be at least eighteen (18) years of age.
(2) They shall have a high school diploma or shall have passed an equivalency test.
(3) They shall have reading skills to be able to read the following:
(A) Emergency information.
(B) Prescription labels.
(C) First aid and emergency evacuation directives.
(D) Menus.
(E) Medical information.
(F) Special dietary information.
(G) Intake information on children.
(4) They shall have writing skills to be able to document the following:
(A) Accident reports and significant occurrences.
(B) The time and administering of medication.
(C) Diapering and feeding information.
(D) The developmental progress of children.
(5) All early childhood professionals who were employed as a caregiver prior to December 1, 1985, are exempt from the specific educational requirements for this position provided that his or her position continues as an early childhood professional at that child care center.
(Division of Family and Children; 470 IAC 3-4.7-24; filed Aug 11, 2003, 3:00 p.m.: 27 IR 126)

470 IAC 3-4.7-25 Lead caregiver qualifications
Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 25. (a) Lead caregivers shall have a minimum of one (1) of the following:
(1) A current CDA credential.
(2) A bachelor of arts or bachelor of science degree in early childhood education or elementary education with a kindergarten endorsement and grades of C or better from an accredited college or university.
(3) A bachelor of arts or bachelor of science degree from an accredited college or university that includes one (1) of the following:
(A) Fifteen (15) credit hours in college level courses with document content relating to the needs, skills, development, or teaching methods of children six (6) years of age or younger and grades of C or better.
(B) A two (2) year associate's degree in early childhood education from an accredited college or university, with a grade of C or better.
(b) Lead caregivers that do not meet these qualifications shall:
(1) have eight (8) hours additional in-service training per year appropriate to the age group with which the caregiver is working;
(2) enroll in one (1) of the educational programs listed in subsection (a) within one (1) year of becoming a lead caregiver; and
(3) provide documentation showing successful completion of at least six (6) credit hours per year.
(Division of Family and Children; 470 IAC 3-4.7-25; filed Aug 11, 2003, 3:00 p.m.: 27 IR 126)

470 IAC 3-4.7-26 Lead caregiver responsibilities
Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 26. Lead caregivers are responsible for the following:
(1) The classroom management for one (1) group of children.
(2) The daily planning for one (1) group of children.
(Division of Family and Children; 470 IAC 3-4.7-26; filed Aug 11, 2003, 3:00 p.m.: 27 IR 126)

470 IAC 3-4.7-27 Support staff
Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 27. (a) Support staff shall complete orientation and ongoing training to carry out their assigned responsibilities.
(b) Support staff are exempt from educational requirements.
(c) When support staff are counted in child/staff ratios, they shall meet all the qualifications of the caregiver. *(Division of Family and Children; 470 IAC 3-4.7-27; filed Aug 11, 2003, 3:00 p.m.: 27 IR 126)*

470 IAC 3-4.7-28 Substitutes
Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 28. Substitutes shall meet the minimum caregiver qualifications. *(Division of Family and Children; 470 IAC 3-4.7-28; filed Aug 11, 2003, 3:00 p.m.: 27 IR 126)*

470 IAC 3-4.7-29 Volunteers
Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 29. Volunteers may serve in any capacity for which they are qualified, but may not be left alone with a group of children. *(Division of Family and Children; 470 IAC 3-4.7-29; filed Aug 11, 2003, 3:00 p.m.: 27 IR 126)*

470 IAC 3-4.7-30 Early childhood practicum students

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 30. (a) Centers may count early childhood practicum students under eighteen (18) years of age in child/staff ratios with the following conditions:

(1) They attend a high school early childhood program.
(2) They are seventeen (17) years of age or sixteen (16) years of age if working at their on-site vocational child care center.
(3) They are assigned to a lead caregiver who provides supervision at all times.
(4) They are never left alone with a group of children.
(5) They are not counted in the child/staff ratio of infant or toddler rooms.

(b) Early childhood practicum students from colleges or universities may serve in any capacity for which they are qualified. *(Division of Family and Children; 470 IAC 3-4.7-30; filed Aug 11, 2003, 3:00 p.m.: 27 IR 126)*

470 IAC 3-4.7-31 Visitors

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 31. Visitors are exempt from all qualification requirements, but may not be left alone with children or be counted in child/staff ratios. *(Division of Family and Children; 470 IAC 3-4.7-31; filed Aug 11, 2003, 3:00 p.m.: 27 IR 127)*

470 IAC 3-4.7-32 Staff orientation

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 32. (a) Prior to having direct contact with children or food, the following training or information shall be provided to all staff and volunteers according to the specific responsibilities assigned to that particular staff member or volunteer:

(1) The names, ages, and any specific needs of the children for whom the caregiver will be responsible.
(2) The center's policy on confidentiality of children's records.
(3) The center's child discipline policy.
(4) Meal patterns and food handling policies of the center.
(5) Emergency evacuation procedures.
(6) General health policies and procedures, including, but not limited to, the following:
    (A) Division-approved hand washing techniques.
    (B) Division-approved diapering techniques.
    (C) All policies and documentation procedures for dispensing approved medication to children.
    (D) Procedures for feeding infants and toddlers, including formula preparation.
(7) Training in universal precautions. A person trained annually in universal precautions shall repeat this training annually for all child care staff and include the following topics:
    (A) Blood borne diseases and their transmission, work practice controls, and the use of personal protective equipment as required by the OSHA and ISDH.
    (B) Procedures for documenting and handling incidents in which staff are directly exposed to contact with blood.
(8) The health hazards listed in section 15(c) of this rule.

(b) During the first two (2) weeks of employment, all staff and volunteers shall have the following training or information provided according to their individual responsibilities:

(1) Developmentally appropriate practices in the early childhood program.
(2) The goals and philosophy of the center.
(3) Daily schedules, routines, and transition procedures.
(4) Parent communication policies.
(5) Child abuse detection, prevention, and reporting responsibilities (see section 13 of this rule).

(6) Recognizing symptoms of illness.
(7) Cleaning, sanitation, and disinfection procedures.
(8) Special needs inclusion policies.
(9) Training specific to the special needs of children under their care.
(10) The center's confidentiality policy.
(11) All aspects of this rule.
(c) Documentation shall be available at the child care center showing that all applicable orientation topics are covered and the dates of when the training was provided. *(Division of Family and Children; 470 IAC 3-4.7-32; filed Aug 11, 2003, 3:00 p.m.: 27 IR 127)*

470 IAC 3-4.7-33 Basic first aid training

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 33. All caregivers and other persons counted in child/staff ratios shall have training in basic first aid as follows:
(1) Prior to opening a child care center, at least one (1) caregiver shall have current training or the expiration date shall be no later than three (3) years from the training date in the administration of basic first aid and be on duty at all times. Additionally, all infant and toddler staff shall have current training in basic first aid.
(2) Except as stated in subdivision (1), training for all other staff shall be completed within six (6) months of employment and at least every three (3) years thereafter.
(3) Basic first aid training shall include rescue breathing and first aid for choking and shall be consistent with basic first aid training developed by the American Red Cross or the National Safety Council for First Aid Training Institute.
(4) The offered first aid instruction shall include, but not be limited to, the following:
(A) Hemorrhage.
(B) Poisoning.
(C) Choking.
(D) Shock.
(E) Seizures.
(F) Head injuries.
(G) Artificial respiration.
(5) Written records of current certification of first aid training shall be maintained at the child care center for at least three (3) years.
(Division of Family and Children; 470 IAC 3-4.7-33; filed Aug 11, 2003, 3:00 p.m.: 27 IR 127)

470 IAC 3-4.7-34 Cardiopulmonary resuscitation training

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 34. Staff shall have training in cardiopulmonary resuscitation (CPR) as follows:
(1) At least one (1) caregiver must be trained annually in pediatric CPR shall be present within the licensed area of the child care center during all hours of operation and with children on field trips.
(2) In child care centers licensed for infants or toddlers, all infant and toddler caregivers shall be trained annually in infant or pediatric CPR as appropriate.
(3) Training in CPR shall be appropriate to the age of the children for which the child care center is licensed. Training in adult CPR is required if children eight (8) years of age or older are present.
(4) The course shall be based on current guidelines for CPR and emergency cardiac care as published in the Journal of American Medical Association (JAMA).
(5) All staff members shall be informed of which employees are trained in CPR and how to obtain the trained employee's assistance in an emergency.
(6) Written records of annual training in CPR shall be maintained at the child care center for three (3) years.

(Division of Family and Children; 470 IAC 3-4.7-34; filed Aug 11, 2003, 3:00 p.m.: 27 IR 128)

470 IAC 3-4.7-35 In-service staff training

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 35. (a) In addition to first aid, cardiopulmonary resuscitation (CPR), universal precautions, and life saving certification, all directors and persons counted in child/staff ratios shall have, on an annual basis, a minimum of twelve (12) clock hours of in-service training as follows:

(1) The director shall receive training in each of the following categories:
(A) Administrative issues.
(B) Curriculum and developmentally appropriate practices.
(C) Health, nutrition, sanitation, and safety.

(2) Caregivers shall receive training in each of the following categories:
(A) Positive classroom management and discipline.
(B) Developmentally appropriate practices and curriculum.
(C) Child development.
(D) Health, nutrition, sanitation, and safety.

(3) Training may include, but is not limited to:
(A) workshops;
(B) formal education;
(C) videos;
(D) training by consultants; or
(E) educational programs provided for staff by the director or director designated training facilitators.

(4) The documentation of reading of early childhood educational literature shall require a written summary and shall not count as more than two (2) hours of training per year.

(5) Lead caregivers, who do not meet the educational qualifications, shall have an additional eight (8) hours of in-service training per year.

(6) Training shall be appropriate to the age group with which the caregiver is working.

(7) Caregivers shall measure training on an annual basis. New caregivers shall average one (1) hour of training per month during the first year of service.

(8) Each caregiver's file or a separate staff training file shall contain the following written documentation of all in-service training:
(A) Date of training.
(B) Number of clock hours of training.
(C) Type of training.
(D) Content of the training.
(E) Name and credentials of trainer.

(b) Child care centers that have a swimming pool or built-in wading pool shall have at least one (1) person present, whenever the pool is in use, who is trained in age-appropriate CPR, basic water safety, and has a valid Red Cross advanced life saving certificate. Caregivers shall maintain documentation of training in the appropriate person's file at the child care center for three (3) years.

(c) Caregivers in child care centers serving children with special needs shall have orientation and continuing training based on the special needs of the children in their care. If applicable, this training shall be in accordance with the child's IFSP (birth to two (2) years of age) or the child's IEP (three (3) years of age or older). *(Division of Family and Children; 470 IAC 3-4.7-35; filed Aug 11, 2003, 3:00 p.m.: 27 IR 128)*

470 IAC 3-4.7-36 Children's admission records

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 36. A written application for admission of each child, signed by the child's parent, shall be on file at the child care center prior to admission and shall include the following:

(1) The child's full name, address, and sex.

(2) The name of parent, address, and telephone number.

(3) The child's date of birth, verified by a copy of the child's birth certificate or other legal proof of age.

(4) Information regarding the child's social, emotional, cognitive, and physical development.

(5) A copy of any relevant court orders that affect the child to be enrolled.

(6) Place of employment and working hours of the parent and the employer's address and telephone number.

(7) The name, address, and telephone number of the child's physician and dentist to call in emergencies.

(8) The name, address, and telephone number of any person, other than the parent, authorized to remove the child from the premises.

(9) The name, address, and telephone number of responsible person who may be called to come for the child in case of illness or other emergency if the parent cannot be reached.

(10) The date of admission.

(Division of Family and Children; 470 IAC 3-4.7-36; filed Aug 11, 2003, 3:00 p.m.: 27 IR 128)

470 IAC 3-4.7-37 Signed consent forms

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 37. Each child's record shall contain the following consents signed by the parent:

(1) Emergency medical authorization to provide transportation and obtain medical treatment for children when the parent cannot be contacted. This authorization shall also be in the emergency information file.

(2) Written permission to participate in extracurricular activities, whether on or off the child care center premises for children participating in the activity.

(Division of Family and Children; 470 IAC 3-4.7-37; filed Aug 11, 2003, 3:00 p.m.: 27 IR 129)

470 IAC 3-4.7-38 Children's health records

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 38. Within thirty (30) days of a child's enrollment, the child's health record shall contain the following:

(1) Physical examination verification form with physician's or nurse practitioner's signature dated no earlier than twelve (12) months prior to enrollment date.

(2) Current and complete record of immunization history showing month, day, and year of each immunization.

(Division of Family and Children; 470 IAC 3-4.7-38; filed Aug 11, 2003, 3:00 p.m.: 27 IR 129)

470 IAC 3-4.7-39 Children's injury records

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 39. (a) Written records shall be maintained for all injuries that occur while children are under the care of child care center caregivers, both on and off premises.

(b) On the day of occurrence, caregivers shall inform parents of minor injuries when they pick up their child. Minor injury reports shall be kept in the child's individual file or in a separate minor injury reporting file and shall be recorded showing the following:

(1) The date and time of the injury.

(2) How the injury occurred.

(3) A description of the injury.

(4) The treatment administered.

(c) Caregivers shall immediately report serious injury verbally to the parent. Caregivers shall record these injuries on forms supplied by the division and distributed as follows:

(1) One (1) copy of the report given to the parents.

(2) One (1) copy kept in the child's individual file.

(3) One (1) copy sent to the division.

(Division of Family and Children; 470 IAC 3-4.7-39; filed Aug 11, 2003, 3:00 p.m.: 27 IR 129)

470 IAC 3-4.7-40 Children's medication records

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 40. (a) Records regarding dispensing of medication to children shall be maintained at the child care center and shall contain the following:

(1) The child's name.

(2) The name of the medication.

(3) The dosage given.

(4) The date and time given.

(5) The full name of caregivers who administered medication.

(b) If a parent requested medication to be given and it was not administered, caregivers shall write the reason on the medication record.

(c) The center shall keep these records for a minimum of one (1) year. *(Division of Family and Children; 470 IAC 3-4.7-40; filed Aug 11, 2003, 3:00 p.m.: 27 IR 129)*

470 IAC 3-4.7-41 Staff, substitutes, and volunteer records

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 41. (a) Records, kept at the child care center, shall document the following for all current staff, substitutes, and volunteers:

(1) Application for employment.

(2) Qualifications.

(3) A statewide limited criminal history check completed by the Indiana state police.

(4) The name, address, and telephone number of the person, physician, or health facility to be contacted in the event of an emergency.

(5) An annual written evaluation of the employee's performance.

(6) Physical examination verification form with physician's or nurse practitioner's signature within thirty (30) days of employment dated no earlier than twelve (12) months prior to date of hire.

(7) Verification that staff is free of tuberculosis within thirty (30) days of employment and annually thereafter.

(8) In-service training.

(9) Dates of employment.

(b) Volunteers and support staff are exempt from documentation of qualifications, evaluations, and in-service training requirements. Volunteers who are counted in the child/staff ratio must meet all staff requirements. *(Division of Family and Children; 470 IAC 3-4.7-41; filed Aug 11, 2003, 3:00 p.m.: 27 IR 129)*

470 IAC 3-4.7-42 Emergency information file

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 42. Each center shall keep an emergency information file, separate from individual record files, and take it on field trips. It shall contain the following:

(1) Emergency numbers for police, fire, hospital, and ambulance.
(2) Emergency information for all staff, volunteers, student helpers, and children, including the following:
(A) The name and date of birth.
(B) The name and phone number of spouse, parent, physician, health facility, or other person to contact in an emergency.
(C) A signed authorization for emergency treatment. Parents shall sign this authorization for persons under eighteen (18) years of age. Staff, eighteen (18) years of age or older, shall sign their own authorization.
(Division of Family and Children; 470 IAC 3-4.7-42; filed Aug 11, 2003, 3:00 p.m.: 27 IR 130)

470 IAC 3-4.7-43 General records
Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 43. If applicable, the center shall have the following records available for review:
(1) All required well water test results.
(2) The daily temperature of vendor delivered potentially hazardous food.
(3) The most recent inspection records relevant to state fire marshal, IDEM water records for private wells, child care health, or general licensing inspections and the records relative to compliance, complaint, and investigation for the past three (3) years.
(Division of Family and Children; 470 IAC 3-4.7-43; filed Aug 11, 2003, 3:00 p.m.: 27 IR 130)

470 IAC 3-4.7-44 Confidentiality of records
Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 44. (a) All information pertaining to the admission, health, family, or discharge of a child and each personnel record is confidential. The center may release the children's records to the parent of the child in question. The center may release the personnel records to the following:
(1) Persons authorized by the division.
(2) Child protective services personnel.
(3) Other agencies authorized by law.
(b) The director or administrator shall determine the limits for sharing confidential information with staff.
(c) The center shall have a written policy for protecting the confidentiality of medical and social information that is consistent with federal, state, and local laws.
(d) The center shall inform all staff of the confidentiality policy. *(Division of Family and Children; 470 IAC 3-4.7-44; filed Aug 11, 2003, 3:00 p.m.: 27 IR 130)*

470 IAC 3-4.7-45 Attendance records
Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 45. Written attendance records shall be kept at the child care center, available for review for a minimum of one (1) year and shall document the following for all children, staff, and volunteers:
(1) Daily arrival and departure times.
(2) Dates of attendance.
(Division of Family and Children; 470 IAC 3-4.7-45; filed Aug 11, 2003, 3:00 p.m.: 27 IR 130)

470 IAC 3-4.7-46 Record retention
Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 46. The center shall maintain personnel and children's records on grounds for a minimum of one (1) year after the end of service or care. *(Division of Family and Children; 470 IAC 3-4.7-46; filed Aug 11, 2003, 3:00 p.m.: 27 IR 130)*

470 IAC 3-4.7-47 Child/staff ratio chart

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 47. Directors shall prominently post the following child/staff ratio chart in each class area of the child care center and in the area where parents sign children in on a daily basis:

Age of the Youngest Child in the Group	Maximum Number of Children Supervised by One Caregiver	Maximum Number of Children in One Group
Infant	4	8
Toddler	5	10
2 years	5	10
30–36 months	7	14
3 years	10	20
4 years	12	24
5 years and older	15	30

(Division of Family and Children; 470 IAC 3-4.7-47; filed Aug 11, 2003, 3:00 p.m.: 27 IR 130)

470 IAC 3-4.7-48 Child/staff ratios and supervision

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 48. (a) Child/staff ratios shall be maintained during all hours of operation.

(b) When there is a combination of ages within a group of children, caregivers shall determine the ratio required by the age of the youngest child in the group. This includes opening and closing times.

(c) When determining the child/staff ratios, count only persons who are responsible for and directly engaged in supervising and implementing activities for children.

(d) Persons in the child care center with multiple roles, such as teacher/cook, teacher/director, or teacher/receptionist, shall be counted in child/staff ratios only while directly engaged with children.

(e) All children shall be under the direct supervision of a responsible caregiver at all times.

(f) Centers shall have a written policy that describes the steps caregivers shall take to correct inadequate ratios. Caregivers shall be aware of this policy.

(g) Caregivers shall promptly notify the director when ratios become deficient.

(h) The director or person in charge shall correct child/staff ratios immediately.

(i) Children of the director and staff members shall be counted in child/staff ratios and assigned to their appropriate age group.

(j) The center shall have at least two (2) adults present during all hours of operation.

(k) The center shall make arrangements so that if only one (1) adult is supervising a group of children, that adult has means available to communicate with other caregivers and summon assistance without leaving children unattended.

(l) The assignment of administrative, maintenance, and housekeeping duties shall not interfere with the direct supervision of children.

(m) The center shall make every effort to have substitutes visit the child care center to become generally familiar with the children and program in advance of the time they may be called to substitute. *(Division of Family and Children; 470 IAC 3-4.7-48; filed Aug 11, 2003, 3:00 p.m.: 27 IR 131)*

470 IAC 3-4.7-49 Child grouping policies

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 49. (a) Age grouping policies apply at all times except as in subsection (f).

(b) When mixing age groups, younger children shall be protected from aggressive older children.

(c) Caregivers may care for preschool children in the same group or area.

(d) Centers may group thirty (30) to thirty-six (36) month old children with children three (3) years of age.

(e) When all the two (2) year olds in a group are at least thirty (30) months of age, the child/staff ratio is 7:1.

(f) Caregivers may group children three (3) years of age through school age together during the first and last hour of the child care center's operation provided the group size does not exceed the maximum group size for the youngest children in the group.

(g) Caregivers shall care for school age children in a clearly defined separate room/area. When mixing age groups, the group may not be larger than the square foot capacity of the room.

(h) The maximum number of children per class is also determined by available space.

(i) Centers licensed prior to the effective date of this rule may elect to have a maximum group size for two (2) year olds of fifteen (15), provided they use the same room.

(j) Kindergarten aged children may be mixed with either preschool or school aged groups. *(Division of Family and Children; 470 IAC 3-4.7-49; filed Aug 11, 2003, 3:00 p.m.: 27 IR 131)*

470 IAC 3-4.7-50 Grouping of children under 30 months of age

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 50. (a) In any group that has an infant or toddler, the maximum age range between the oldest and youngest child in the group shall be thirteen (13) months.

(b) Caregivers of infants and toddlers shall have the date of birth of all children in the room immediately available. *(Division of Family and Children; 470 IAC 3-4.7-50; filed Aug 11, 2003, 3:00 p.m.: 27 IR 132)*

470 IAC 3-4.7-51 Implementation of continuity of care

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 51. Centers shall make a reasonable effort to provide continuity of care for children under thirty (30) months of age. *(Division of Family and Children; 470 IAC 3-4.7-51; filed Aug 11, 2003, 3:00 p.m.: 27 IR 132)*

470 IAC 3-4.7-52 Alternative mixed age groupings

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 52. For the purpose of maintaining continuity of care, centers may mix children age six (6) weeks to thirty-six (36) months in one (1) classroom under the following conditions:

(1) A child/staff ratio of 4:1 is maintained.

(2) The maximum group size is eight (8).

(3) Each group shall have no more than three (3) children under the age of twelve (12) months.

(4) The center's program, furnishings, and equipment shall meet the developmentally appropriate needs of all the children in the room.

(Division of Family and Children; 470 IAC 3-4.7-52; filed Aug 11, 2003, 3:00 p.m.: 27 IR 132)

470 IAC 3-4.7-53 Rest periods

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 53. (a) Caregivers shall provide a supervised rest period for children four (4) year of age and under after the noon meal and at any other time if requested by any age child. (This does not apply to children in attendance less than four (4) hours per day.)

(b) Children of all ages shall not rest or sleep on the floor. Staff shall provide cots for all children that rest as follows:
(1) Cots shall be firm, portable, easily sanitized, in good repair, and have the underside of the sleeping surface off the floor.
(2) Staff shall sanitize cots daily after each use. Staff may sanitize cots weekly if the same child uses the same cot each day. If staff sanitize cots weekly, they shall clearly identify assigned cots.
(3) Staff shall space cots at minimum of two (2) feet apart on all sides, except where they touch a wall or other room divider.
(4) Aisles between cots shall be kept clear of all obstructions while the cots are occupied.
(5) Cots shall not block exits.
(c) The center shall assure that a cover is provided as follows for each child:
(1) The cover shall be clean, individually marked, and maintain comfort and warmth.
(2) The cover shall be washed at least weekly or promptly if soiled.
(3) If different children use the same cover, staff shall wash the cover between uses.
(4) Children's faces and heads shall be free from covering.
(d) The center shall provide individual storage so that one (1) child's cover does not touch the cover of another child.
(e) When resting, children shall lie in such a way that direct face-to-face situations are avoided.
(f) After thirty (30) minutes, caregivers shall provide supervised alternate activities for nonsleeping children.
(g) Caregivers shall permit sleeping children to awaken naturally at their own pace.
(h) During the rest period for children toddler age and older, caregivers may supervise children at fifty percent (50%) of the required child/staff ratio provided that:
(1) the required child/staff ratio is maintained on the premises;
(2) required caregivers are immediately accessible; and
(3) a minimum of fifty percent (50%) of the children in the class are asleep.
(i) The fifty percent (50%) reduction in child/staff ratios does not apply to infants.
(j) Caregivers shall supervise sleeping children and never leave them unattended.
(k) Rest areas shall have a minimum average of five (5) foot-candles of light in all areas.
(l) Caregivers shall make rest periods flexible based on discussions with the parent and the child's individual needs. *(Division of Family and Children; 470 IAC 3-4.7-53; filed Aug 11, 2003, 3:00 p.m.: 27 IR 132)*

470 IAC 3-4.7-54 Positive discipline

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 54. (a) Caregivers shall use positive discipline.
(b) Caregivers shall do the following:
(1) Communicate to children using positive statements.
(2) Encourage children, with adult support, to use their own words and solutions in order to resolve their own interpersonal conflicts.
(3) Communicate with children by getting down to their eye level and talking to them in a calm quiet manner about what behavior is expected.
(Division of Family and Children; 470 IAC 3-4.7-54; filed Aug 11, 2003, 3:00 p.m.: 27 IR 133)

470 IAC 3-4.7-55 Inappropriate discipline

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 55. (a) Any person, while on child care center premises, shall not engage in or direct any of the following actions toward children:
(1) Inflict corporal punishment in any manner upon a child's body.
(2) Hit, spank, beat, shake, pinch, or any other measure that produces physical discomfort.
(3) Cruel, harsh, unusual, humiliating, or frightening methods of discipline, including threatening the use of physical punishment.

(4) Placement in a locked or dark room.
(5) Public or private humiliation, yelling, or abusive or profane language.
(b) Staff shall not associate disciplinary action or rewards with rest.
(c) Staff shall not associate disciplinary action with food or use food as a reward.
(d) Staff shall not associate disciplinary action or humiliate a child in regard to toileting.
(e) Caregivers shall not:
(1) use time out for any child less than three (3) years of age;
(2) use time out for any purpose other than to enable the child to regain control; and
(3) physically restrain children except:
(A) when it is necessary to ensure their own safety or that of others; and
(B) only for as long as is necessary for control of the situation;
(4) use punishment to correct unacceptable behavior.
(Division of Family and Children; 470 IAC 3-4.7-55; filed Aug 11, 2003, 3:00 p.m.: 27 IR 133)

470 IAC 3-4.7-56 Discipline documentation
Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 56. (a) The director shall formulate a child care center-wide written discipline policy and distribute the policy to parents and staff.
(b) Caregivers shall have ongoing communication between home and center regarding all aspects of the care of the child.
(c) Caregivers shall document any history of recurring discipline problems and subsequent formal parent conferences in the child's record.
(d) The center shall implement and document a specific plan of action with the child's parents for dealing with the child's unacceptable behavior. *(Division of Family and Children; 470 IAC 3-4.7-56; filed Aug 11, 2003, 3:00 p.m.: 27 IR 133)*

470 IAC 3-4.7-57 General program components
Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 57. (a) Caregivers shall recognize each child as an individual whose personal privacy, choice of activities, and cultural, ethnic, and religious backgrounds are respected.
(b) Centers shall work to increase understanding of cultural, ethnic, and other differences.
(c) The curriculum and adults' interaction shall be responsive to individual differences in ability and interests. Caregivers shall design interactions and activities to develop children's positive feelings toward learning.
(d) Efficient planning and good caregiver communication during transition periods shall be used to avoid waiting periods between activities.
(e) Caregivers shall arrange learning areas, equipment, and materials so children can work undisturbed either individually or in small groups.
(f) Caregivers shall arrange equipment in orderly, clearly defined areas of interest with space in each area for children to see the various activities available to them.
(g) Caregivers shall provide children many opportunities to develop social skills, such as cooperating, helping, negotiating, and talking with others to solve interpersonal problems.
(h) Caregivers shall move among groups and individuals to facilitate children's involvement with materials and activities by asking questions, offering suggestions, or adding more complex materials or ideas to a situation.
(i) The center shall assign one (1) lead caregiver for each group of children. *(Division of Family and Children; 470 IAC 3-4.7-57; filed Aug 11, 2003, 3:00 p.m.: 27 IR 133)*

470 IAC 3-4.7-58 Basic schedule of activities

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 58. The center shall provide a written basic schedule of activities designed to meet the developmental needs of the children served. The center shall post a general outline of times and activities in each child care room and shall provide a schedule for the following:

(1) Meal times.
(2) Rest times.
(3) Indoor activities.
(4) Outdoor activities.

(Division of Family and Children; 470 IAC 3-4.7-58; filed Aug 11, 2003, 3:00 p.m.: 27 IR 134)

470 IAC 3-4.7-59 General program planning

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 59. All program planning shall provide the following:

(1) A caregiver-prepared environment for children to learn through active exploration and interaction with adults, other children, and materials.
(2) Encouragement and enhancement of expressive activities that include play, story telling, music, and dancing. A variety of art media is readily available for creative expression.
(3) Daily opportunities for children to use large muscle skills, learn about outdoor environments, and express themselves freely and loudly, except when the severity of the weather poses a safety hazard, the wind-chill temperature is below twenty-five (25) degrees Fahrenheit, or there is a health related reason documented by a parent or physician for a child to remain indoors. (For a period exceeding three (3) consecutive days a physician's statement is required.)
(4) Daily opportunities for children to develop small muscle skills through play activities.
(5) Opportunities for children to complete activities.
(6) Provision for privacy by arranging a small, quiet area that is easily accessible to the child who seeks or needs time to be alone.

(Division of Family and Children; 470 IAC 3-4.7-59; filed Aug 11, 2003, 3:00 p.m.: 27 IR 134)

470 IAC 3-4.7-60 Written program plans

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 60. Caregivers shall plan a daily, detailed written program, based on teacher observations, for each child care group. Caregivers shall always make this program available to parents and the division and provide the following:

(1) A description of how learning centers will be changed or enriched.
(2) A list of materials to be added to or removed from the specific learning areas.
(3) Activities to be used or discussed during circle and transition times.
(4) A description of any planned small or large group activities.
(5) Any special activities or field trips planned.

(Division of Family and Children; 470 IAC 3-4.7-60; filed Aug 11, 2003, 3:00 p.m.: 27 IR 134)

470 IAC 3-4.7-61 Literacy development

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 61. Caregivers shall foster language development and literacy by the following:

(1) Talking with children.
(2) Encouraging children to talk with each other by helping them to listen and respond.
(3) Modeling verbal expression and written language.
(4) Reading books and poems with children daily.
(5) Providing opportunities for children to read and explore with books.
(6) Creating activities which encourage children to participate in dramatic play and other experiences requiring communication.
(7) Providing methods and materials in which children can experiment with writing by drawing, copying, and inventing their own spelling.
(8) Extending literacy activities to all areas of the classroom.

(Division of Family and Children; 470 IAC 3-4.7-61; filed Aug 11, 2003, 3:00 p.m.: 27 IR 134)

470 IAC 3-4.7-62 Coping with separation

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 62. Caregivers shall help children to cope with the experience of separation from their parents by the following:
(1) The caregivers of the child care center shall encourage the parents to spend time in the child care center, to observe, and participate in experiences with their child. Caregivers shall design all aspects of the child care program to facilitate parental input and involvement.
(2) Caregivers shall permit children to bring reminders of home and family to the child care center.
(3) Caregivers shall help children play out themes of separation and reunion.
(4) Caregivers shall share information about the child's daily needs and activities with parents on a daily informal basis.
(5) Caregivers shall reassure children about their parent's return.

(Division of Family and Children; 470 IAC 3-4.7-62; filed Aug 11, 2003, 3:00 p.m.: 27 IR 134)

470 IAC 3-4.7-63 Educational equipment and materials

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 63. (a) The quantity and variety of learning center equipment and materials provided daily shall permit children to interact without conflict due to a lack of equipment.
(b) The center may combine learning centers. Materials from individual learning centers may overlap but the center shall count individual items only once.
(c) The following minimums shall be provided to each group to children two (2) years of age and older:
(1) Equipment and materials to supply the following learning centers:
(A) Art.
(B) Music/movement.
(C) Large muscle.
(D) Math/science/discovery.
(E) Manipulative/fine motor.
(F) Blocks.
(G) Quiet/individual.
(H) Dramatic play.
(I) Literacy.
(2) An art easel with paint and paper.
(3) A water/sand/alternative type of activity.
(4) A shatterproof mirror.
(5) A set of wooden unit blocks.
(6) Musical listening equipment.

(7) Musical instruments.
(d) Learning centers shall be within the class room/areas.
(e) All children in each class room/area shall have access to these learning centers regularly throughout the day.
(f) Children two (2) years of age shall have small climbing equipment that they can go in and out of, over, and around in their area.
(g) Centers shall have equipment storage as follows:
(1) Each child care learning center shall have stable, low, open shelves to house, display, and organize learning materials.
(2) Staff shall use these shelves or units to assist with creating division of learning centers.
(3) Staff shall store equipment on these shelves and within easy reach of the children at all times.
(h) The center shall clean and sanitize equipment and materials a minimum of once per week.
(i) All play equipment and materials shall be constructed and installed in a manner that is safe for use by children.
(j) All indoor gross motor equipment shall meet the Consumer Product Safety Commission's guidelines for safety surfaces.
(k) Projectile toys are prohibited.
(l) All toys and equipment shall be free of sharp edges or protrusions.
(m) Tricycles used by children shall be spokeless, steerable, of age-appropriate size, and have a low center of gravity.
(n) When riding bicycles, children shall wear safety helmets that meet national safety standards. *(Division of Family and Children; 470 IAC 3-4.7-63; filed Aug 11, 2003, 3:00 p.m.: 27 IR 135)*

470 IAC 3-4.7-64 Television
Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 64. Television use in the classroom shall meet the following guidelines:
(1) All programs must be age-appropriate.
(2) All programs must be for educational purposes only and incorporated into lesson plans.
(3) Caregivers shall not require children to watch or sit in front of a television and shall offer other choices of activities.
(4) Caregivers shall maintain required room lighting.
(Division of Family and Children; 470 IAC 3-4.7-64; filed Aug 11, 2003, 3:00 p.m.: 27 IR 135)

470 IAC 3-4.7-65 Pets
Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 65. Healthy household pets that present no danger to children are permitted on the premises under the following conditions:
(1) Dogs, cats, or potentially aggressive animals must be temperamentally suitable to be around children and shall only be permitted for infrequent visits and shall at all times be restrained by the adult owner or caretaker.
(2) Pets kept by the center shall be free from diseases with potential for transmission to humans.
(3) Dogs and cats must be vaccinated against rabies in accordance with state law.
(4) There shall be no ferrets, turtles, reptiles, psittacine birds (birds of the parrot family), or any wild or dangerous animals permitted in a child care center.
(5) Animals shall not roam freely and shall be housed in a manner that prevents injury to either the children or the animal.
(6) The center shall use sixteen (16) gauge screen or an equivalent enclosure to prevent children from putting their fingers in an animal cage or aquarium.
(7) Animal cages shall permit proper sanitation and have removable bottoms.
(8) Staff shall keep cages and aquariums clean and in sanitary condition.
(9) Staff and children shall wash their hands after handling, feeding, or cleaning pets or the pet's environment.
(Division of Family and Children; 470 IAC 3-4.7-65; filed Aug 11, 2003, 3:00 p.m.: 27 IR 135)

470 IAC 3-4.7-66 Playground and outdoor safety

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 66. The specific guidelines of the most current, "Handbook for Public Playground Safety", as published by the United States Consumer Product Safety Commission, Washington, D.C. 20207, shall be used to determine compliance with the following safety rules:

(1) Assembly, installation, and the anchoring process shall be completed in strict accordance with the manufacturer's specifications.
(2) All playground equipment shall meet the manufacturer's guidelines for age-appropriate size.
(3) All anchoring devices for playground equipment shall be installed four (4) inches below the playing surface.
(4) The center shall maintain all equipment in safe condition and make prompt repairs. Records shall document the date equipment is known to need repair, the actual date of repair, and the method of repair.
(5) All repairs and replacement of parts shall meet or exceed original equipment standards.
(6) The center shall install a shock absorbing surface with required depth for the critical height of the equipment and covering the appropriate fall zone area under and around all playground equipment.
(7) The fall zones of adjacent equipment, two (2) feet or higher, shall not overlap.
(8) Climbing ropes shall be secured at both ends.
(9) Trampolines shall not be permitted.
(10) Wood parts shall be smooth and free from splinters.
(11) There shall be no accessible protrusions, projections, pinch, crush, or shearing points on equipment that could injure children or catch their clothing.
(12) Equipment components shall not form openings that could entrap a child's head.
(13) Guardrails and protective barriers shall be designed to prevent inadvertent falls from platforms. Equipment shall have vertical rather than horizontal pieces fill in the space below the top rail on barriers.
(14) All S-hooks shall be tightly closed.
(15) Swing seats shall have smooth rounded edges and not be made of wood, metal, or other hard material.
(16) Climbing equipment shall be designed so that children holding onto horizontal bars may not fall from a height of greater than eighteen (18) inches.
(17) Balance beams shall be less than twelve (12) inches high.
(18) Merry-go-round platforms shall be continuous with no openings.
(19) Sand, used as play space or ground cover, shall be covered when not in use or raked daily before use.

(Division of Family and Children; 470 IAC 3-4.7-66; filed Aug 11, 2003, 3:00 p.m.: 27 IR 136)

470 IAC 3-4.7-67 Critical height chart

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 67. The center shall use the reference table located in the "Handbook for Public Playground Safety" published by the Consumer Product Safety Commission and the manufacturer's guidelines to determine the depth of loose fill materials that will provide the necessary safety for equipment of various heights. *(Division of Family and Children; 470 IAC 3-4.7-67; filed Aug 11, 2003, 3:00 p.m.: 27 IR 136)*

470 IAC 3-4.7-68 Playground design

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 68. (a) The outdoor caregivers will interact with children in all areas of the playground and ensure that all children are visible at all times.

(b) The outdoor play area shall be safely enclosed, fenced, or protected from traffic by other natural barriers. Air compressors

or other dangerous equipment in the outdoor play area shall be enclosed and inaccessible to children.

(c) The outdoor play area shall contain at least seventy-five (75) square feet for each child outdoors at any one (1) time.

(d) The outdoor play area shall be directly accessible from the indoor child care center. If this is not possible and children cross traffic areas, such as a street, alley, or parking lot, the following steps apply to crossing the area:

(1) No child shall cross a traffic area unassisted.

(2) Children shall wait at the edge of the traffic area.

(3) The caregiver shall move to the center of the traffic area and assure that no autos are present or that all traffic is stopped.

(4) The caregiver shall remain in the center of the traffic area until the last child has safely crossed the area.

(5) When crossing public streets or other areas regularly traveled, caregivers shall display a flag, "Stop" sign, or other effective sign designed to halt traffic while children cross the area.

(e) The outdoor play area and equipment shall be well drained and free from standing water. *(Division of Family and Children; 470 IAC 3-4.7-68; filed Aug 11, 2003, 3:00 p.m.: 27 IR 136)*

470 IAC 3-4.7-69 Playground and outdoor environment

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 69. (a) The playground shall be considered to be an outdoor classroom and an extension of the learning environment that meets curricular objectives by encouraging child-initiated, teacher-supported play activities.

(b) The center must organize active, physical activities separate from passive, quiet activities. *(Division of Family and Children; 470 IAC 3-4.7-69; filed Aug 11, 2003, 3:00 p.m.: 27 IR 137)*

470 IAC 3-4.7-70 Water play areas

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 70. (a) Staff shall maintain a one (1) to three (3) parts per million (ppm) chlorine solution, as verified by a pool test kit, or equivalent in water tables used for water play activities. Staff shall empty the water table daily and clean it with an approved sanitizing solution before being air-dried.

(b) Portable fill and draw pools are prohibited.

(c) When children swim in any permanently constructed private swimming pool, wading pool, or lake, owned by the child care center, center staff, relatives, parents, or others, while under the supervision of the child care center staff, the following rules apply:

(1) Pool equipment and chemical storage rooms shall be locked and inaccessible to children.

(2) Written parental permission shall be obtained and kept on file prior to a child participating in a swimming activity.

(3) Each swimming area must have a minimum of two (2) flotation devices.

(4) Child/staff ratios shall be twice the number required in this rule. The center may count employed lifeguards in child staff ratios.

(5) A person having a valid Red Cross advanced life saving certificate shall be on duty at all times when a swimming pool or lake is in use.

(6) At all times, when children are in the water, staff shall directly supervise children with a minimum of one (1) staff person at pool or lake side and another staff in the water with the children.

(7) All private lakes must have their water tested and approved for swimming.

(d) In addition, permanently constructed swimming or wading pools located on the premises of the child care center shall meet the following:

(1) The center must construct the pool in accordance with fire prevention and building safety commission rules under 675 IAC 20 and maintain it in accordance with ISDH rules under 410 IAC 6-2.1.

(2) The center must fence in all swimming and wading pool areas and keep the gate locked when the pool is not in use.

(3) The center must cover or empty swimming pools in the off season.

(e) When children are taken to public pools or lakes while under the supervision of the child care center, the following rules

apply:

(1) Written parental permission shall be obtained and kept on file prior to a child participating in a swimming activity.

(2) Child/staff ratios shall be twice the number required in this rule. A center may count one (1) pool or lake lifeguard in the child/staff ratios for the child care center unless pool or lake policies prohibit.

(3) At all times, when children are in the water, staff shall directly supervise children with a minimum of one (1) staff person at pool or lake side and another staff in the water with the children.

(f) Staff shall not permit children to be in hot tubs, spas, or saunas. *(Division of Family and Children; 470 IAC 3-4.7-70; filed Aug 11, 2003, 3:00 p.m.: 27 IR 137)*

470 IAC 3-4.7-71 Field trips

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 71. (a) The center shall comply with all sections of this rule during field trips.

(b) Caregivers shall account for all children before, during, and after field trips.

(c) The center shall obtain written parental permission for each child prior to participation in a field trip. *(Division of Family and Children; 470 IAC 3-4.7-71; filed Aug 11, 2003, 3:00 p.m.: 27 IR 137)*

470 IAC 3-4.7-72 Transportation in child care center owned or leased vehicles

Authority: IC 12-13-5-3
Affected: IC 9-19-11; IC 12-17.2-4

Sec. 72. The following rules apply to all center transportation of children in vehicles owned or leased by the center:

(1) The center shall assume responsibility for a child between the place where the child is picked up and the child care center, and from the time he or she leaves the child care center until he or she is delivered to his or her parent or the responsible person designated by his or her parents.

(2) The center shall do the following:

(A) Obtain signed parental permission to transport prior to providing transportation for a child.

(B) Maintain child/staff ratios when transporting children, except as in clause (C).

(C) When transporting more than twelve (12) children on a school bus or Head Start bus to and from school or home, have at least one (1) qualified caregiver not including the driver supervise the children.

(D) License any vehicle operated by the center in accordance with the laws of Indiana.

(E) Carry liability insurance to cover all passengers riding in the vehicle.

(F) Maintain vehicles in safe operating condition.

(G) Keep the vehicle clean and free of obstructions on the floors, seats, and rear window area.

(H) Present documentation that vehicles used in transporting children are appropriately licensed and maintained.

(I) Not transport more children than the manufacturer's rated passenger capacity.

(J) Not permit children to ride in the front seat of any vehicle.

(K) Post a sign in the vehicle stating that this is a smoke free vehicle.

(L) Check driver has proper license from bureau of motor vehicles on at least an annual basis.

(3) Staff shall comply with the following:

(A) Not leave children in any vehicle unattended.

(B) Load and unload children from the curbside of the vehicle.

(C) Not permit children to open and close the vehicle doors.

(D) Lock all passenger doors while the vehicle is in motion.

(E) Have in the vehicle emergency medical authorization for all children and emergency contact numbers for all occupants.

(4) The driver shall comply with the following:

(A) Be at least twenty-one (21) years of age and hold a proper license to operate the vehicle.

(B) Turn the vehicle off when loading or unloading children. (This does not apply to regulation school buses.)

(C) Seat all children in proper safety restraints to comply with IC 9-19-11 while the vehicle is in motion.
(D) Not have used alcohol within twelve (12) hours prior to transporting children.
(E) Not use illegal drugs.
(F) Ensure that any prescription drugs will not impair their ability to drive.
(G) Not have any medical conditions that would affect the driver's ability to safely operate the vehicle.

(5) The director or administrator shall require drug testing of employees when illegal drug use or alcohol use as in subdivision (4)(D) is suspected.

(6) Vehicle equipment shall include the following:
(A) A first aid kit, fire extinguisher, and blanket when transporting children.
(B) One (1) restraint per child.
(C) Door locks.

(7) When transporting a child in a wheelchair, vehicles shall accommodate the placement of wheelchairs with tie downs affixed according to the manufacturer's instructions.

(Division of Family and Children; 470 IAC 3-4.7-72; filed Aug 11, 2003, 3:00 p.m.: 27 IR 138)

470 IAC 3-4.7-73 Transportation in other vehicles

Authority: IC 12-13-5-3
Affected: IC 9-19-11; IC 12-17.2-4

Sec. 73. The following rules apply to all transportation of children while under the care of the child care center in vehicles not owned or leased by the center:

(1) The center shall assume responsibility for a child between the place where the child is picked up and the child care center, and from the time he leaves the child care center until he or she is delivered to his or her parent or the responsible person designated by his or her parents.

(2) The center shall do the following:
(A) Obtain signed parental permission to transport in a vehicle not owned by the center prior to providing transportation for a child.
(B) Maintain child/staff ratios when transporting children.
(C) Carry liability insurance to cover all children riding in the vehicle beyond the coverage provided by the vehicle owner.
(D) Not permit transportation of more children than the manufacturer's rated passenger capacity.
(E) Only permit children to be transported in vehicles that are smoke free.
(F) Not permit children to ride in the front seat of any vehicle.
(G) Assure that the driver is at least twenty-one (21) years of age and holds a proper license to operate the vehicle.

(3) Child care center staff shall instruct the driver of each vehicle to do the following:
(A) Not leave children in any vehicle unattended.
(B) Load and unload children from the curb side of the vehicle.
(C) Turn the vehicle off when loading or unloading children.
(D) Not permit children to open and close the vehicle doors.
(E) Lock all vehicle doors while the vehicle is in motion.

(4) Staff shall do the following:
(A) Visually inspect vehicles to assure they are in safe operating condition.
(B) Visually inspect vehicles to assure they are clean and free of obstructions on the floors, seats, and rear window area.
(C) Have in the vehicle emergency medical authorization for all children and emergency contact numbers for all occupants.
(D) Secure all children in proper safety restraints with one (1) child per restraint to comply with IC 9-19-11 while the vehicle is in motion.

(Division of Family and Children; 470 IAC 3-4.7-73; filed Aug 11, 2003, 3:00 p.m.: 27 IR 138)

470 IAC 3-4.7-74 Transportation to school

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 74. (a) If the center provides transportation for children to or from school, the center is responsible for the child during transportation.

(b) A child transported to school by the center shall never be left unattended outside the school building.

(c) The center shall establish a written transportation agreement between the parent and the center, including, but not limited to, the following:

(1) Clear definitions of legal responsibility.
(2) The time of the child's release from the school and the center.
(3) The means of transportation.
(4) Children leaving the center to go to school.
(5) Children leaving the school to go to the center.
(6) Children leaving school for regular school activities or visiting friends.
(7) Children leaving the child care center for extracurricular activities.

(d) A copy of this agreement shall be kept in each child's file. *(Division of Family and Children; 470 IAC 3-4.7-74; filed Aug 11, 2003, 3:00 p.m.: 27 IR 139)*

470 IAC 3-4.7-75 Food program

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 75. (a) Prior to initial licensure, the center shall submit a written plan for nutrition and food service for approval to the division on forms provided for this purpose.

(b) A written revised plan for nutrition and food service shall be submitted to the division for review and approval each time the food service plan undergoes any change as follows:

(1) A change in the licensee.
(2) The changing of vendors.
(3) The changing from vending to on-site food preparation and vice versa.
(4) The center requests a change in licensure to include the care of children under two (2) years of age.

(Division of Family and Children; 470 IAC 3-4.7-75; filed Aug 11, 2003, 3:00 p.m.: 27 IR 139)

470 IAC 3-4.7-76 Menus

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 76. (a) A current weekly menu shall be planned one (1) week in advance and posted as follows:

(1) In a conspicuous place for all parents to review.
(2) In the kitchen.

(b) Menus shall show serving sizes, specific food items, and serving times for all snacks and meals.

(c) Food service staff shall record menus changes as served and keep menus on file for one (1) month.

(d) A notation of any special dietary exceptions for children shall be posted in the kitchen and where meals and snacks are served. *(Division of Family and Children; 470 IAC 3-4.7-76; filed Aug 11, 2003, 3:00 p.m.: 27 IR 139)*

470 IAC 3-4.7-77 Meal times

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 77. (a) A period of not less than two (2) hours and not more than three and one-half (3½) hours shall separate meals and

snacks for children one (1) year of age and older. This does not apply between the hours of 9 p.m. and 6 a.m.

(b) If the child's attendance at the child care center coincides with any meals and snacks that are provided by the center, the child shall be served those meals and snacks.

(c) The center shall serve breakfast, a morning snack, lunch, and a mid-afternoon snack each day.

(d) Staff shall serve a snack to school age children when they arrive at the child care center after school.

(e) Staff are not required to serve meals to children that have already eaten that particular meal at another location. *(Division of Family and Children; 470 IAC 3-4.7-77; filed Aug 11, 2003, 3:00 p.m.: 27 IR 139)*

470 IAC 3-4.7-78 Meal components

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 78. (a) The center shall provide meals and snacks that meet dietary requirements in accordance with the division guidelines.

(b) Children eating both the noon meal and the evening meal at the child care center shall not be served the same food at both meals.

(c) The center shall not serve reconstituted dry milk or fat free milk to children.

(d) The center shall serve whole milk to children under two (2) years of age unless a physician orders a specific substitution.

(e) Liquid refreshments shall meet the following guidelines:

(1) All fruit juice shall be one hundred percent (100%) pure fruit juice with no sugar added.

(2) All noncitrus juice shall be fortified with vitamin C.

(3) The center shall not serve or have accessible to children ades, drinks, soft drinks, or powders.

(4) A competing beverage shall not be served with milk at lunch or dinner.

(f) Written, standardized recipes must be immediately available in the kitchen for all protein entree items on the menu. The recipe must be suitable for the number of children served at the child care center. The recipe must show the following:

(1) The amount of high protein food in ounces or pounds.

(2) The number of children to be served by the recipe.

(3) The serving size.

(g) Centers shall not offer foods that present a choking hazard to children under three (3) years of age, including, but not limited to, the following:

(1) Whole grapes.

(2) Hot dog rounds.

(3) Hard candy.

(4) Nuts.

(5) Seeds.

(6) Raw peas.

(7) Dried fruit.

(8) Pretzel nuggets.

(9) Chips.

(10) Popcorn.

(11) Marshmallows.

(12) Spoonfuls of peanut butter.

(13) Chunks of meat larger than children can swallow whole.

(Division of Family and Children; 470 IAC 3-4.7-78; filed Aug 11, 2003, 3:00 p.m.: 27 IR 140)

470 IAC 3-4.7-79 General meal guidelines

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 79. (a) Caregivers shall plan a period of time away from the lunch table before the noon meal for children to participate

in quiet or calming activities.

(b) Staff shall offer additional portions of food (at least two (2) different items) and milk to children at the noon and evening meals.

(c) Staff shall offer an additional portion of food and juice or milk at snacks.

(d) On the initial serving of any particular meal, staff shall serve children the full portions of all posted menu items at the same time.

(e) Correct food temperature and holding time shall be maintained for all food served to children.

(f) Food shall be covered during transport from kitchen.

(g) Staff shall permit children to eat promptly when they sit down.

(h) All food servers shall not touch ready-to-eat food with their bare hands.

(i) Adults shall assist, supervise, converse, and sit with the children during all meals and snacks in age relative groups, small enough in number to assure assistance and safety.

(j) Children shall be allowed to converse freely during meal times and snacks.

(k) If adults eat with the children, the center shall serve adults the same meal as the children.

(l) All food, not prepared at the child care center or provided by an approved vendor, must come in an unopened package from an approved food source.

(m) Eating utensils, dishes, glasses, chairs, and tables shall be suitable for the age, size, and developmental level of the children.

(n) The center shall use divided plates for children two (2) years of age and younger.

(o) The center shall not serve food items prepared in a home kitchen at any time, except with a physician's written order for a particular child's special diet.

(p) Packaged, ready-to-eat foods that are served to children must be discarded, if not consumed. *(Division of Family and Children; 470 IAC 3-4.7-79; filed Aug 11, 2003, 3:00 p.m.: 27 IR 140)*

470 IAC 3-4.7-80 Home style food service

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 80. (a) Staff shall ensure that food served home style is protected from contamination.

(b) Staff shall supervise children who handle or serve food.

(c) Staff shall ensure that each child receives the minimum required serving size of each meal component.

(d) Staff shall discard any food brought from the kitchen to be served that remains after the meal.

(e) Staff shall ensure that food is not exposed to sneezing, coughing, or drooling and that food is not touched by bare hands or clothing.

(f) Staff shall discard contaminated food and container and replace it with food from the kitchen before continuing service to other children. *(Division of Family and Children; 470 IAC 3-4.7-80; filed Aug 11, 2003, 3:00 p.m.: 27 IR 141)*

470 IAC 3-4.7-81 Picnics

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 81. (a) If staff serves picnic lunches to children under the care of the center, the lunch must conform to the menu guidelines for children who are on table food. The center or an approved vendor must provide picnic lunches.

(b) Centers shall comply with the following:

(1) Adjust menus accordingly, if juice is substituted for milk.

(2) Keep cold foods under forty-one (41) degrees Fahrenheit.

(3) Provide equipment to maintain hot foods at one hundred forty (140) degrees Fahrenheit or above.

(c) The following rules apply to cooking on an outdoor grill:

(1) The center shall keep grills at least ten (10) feet away from the building.

(2) Caregivers shall keep children at least fifteen (15) feet away from the grill. Gas or propane grills shall comply with all

applicable rules of the FPBSC.

(3) Staff shall have an approved fire extinguisher readily available.

(Division of Family and Children; 470 IAC 3-4.7-81; filed Aug 11, 2003, 3:00 p.m.: 27 IR 141)

470 IAC 3-4.7-82 Special diets

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 82. (a) The center shall post information regarding children's special diets for dietary staff in charge of preparing and serving the food.

(b) The center must plan and serve substitutions, written on a menu, for all children with dietary restrictions.

(c) For children requiring a special diet due to medical reasons or allergic reactions, the center shall provide meals and snacks in accordance with the child's needs and the written instructions of the child's physician.

(d) A child requiring a special diet due to religious or personal beliefs shall have a written statement from the child's parent.

(e) For special diets, the center may request the parent to supplement food served by the center.

(f) If the parent provides the food from home, the center must have the parent sign a "Safe Transportation of Food Responsibility" form, available from the division.

(g) All food items must be protected from damage and potential contamination. *(Division of Family and Children; 470 IAC 3-4.7-82; filed Aug 11, 2003, 3:00 p.m.: 27 IR 141)*

470 IAC 3-4.7-83 Vendor service

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 83. (a) Each center using vendor service shall have a written contract as follows:

(1) The contract must describe the vendor's responsibilities.

(2) The contract must assure that the vendor's food service business, food handlers, and all premises are inspected and approved by local health authorities.

(b) Vendors must transport food items in easily sanitizable insulated containers that maintain potentially hazardous food at the temperature requirements of 410 IAC 7-20.

(c) Upon receiving the food from the vendor, the center shall verify the temperature of the food with a metal stem type, numerically scaled thermometer that reads zero (0) degrees Fahrenheit to two hundred twenty (220) degrees Fahrenheit.

(d) Correct food temperature and holding time shall be maintained until serving.

(e) A record of potentially hazardous food temperatures taken shall be maintained at the child care center for one (1) year.

(f) When potentially hazardous food temperature and holding time are not correct, the vendor shall be notified and food shall be immediately replaced.

(g) If time is being used as a public health control, 410 IAC 7-20 must be adhered to and procedures, time, and temperatures must be documented. *(Division of Family and Children; 470 IAC 3-4.7-83; filed Aug 11, 2003, 3:00 p.m.: 27 IR 141)*

470 IAC 3-4.7-84 Health program

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 84. (a) Prior to initial licensure, the center shall submit a written, dated health program for review and approval to the division on forms provided for that purpose.

(b) The center shall make specific arrangements for a health consultant to provide guidance to the staff to maintain an adequate health program, policies, and procedures for the children and staff in the child care center.

(c) The written health program shall be reviewed by the center and the health consultant and submitted to the division for review and approval each time any of the following occurs:

(1) A change in the health consultant.

(2) A change in the health program practices.
(3) A change in licensee.
(4) The center requests a change in licensure to include the care of children not previously cared for, such as diapered children, infants, or toddlers.

(Division of Family and Children; 470 IAC 3-4.7-84; filed Aug 11, 2003, 3:00 p.m.: 27 IR 142)

470 IAC 3-4.7-85 Adult health requirements

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 85. Within thirty (30) days of employment, newly employed staff, volunteers, substitutes, student aides, and any other personnel having direct contact with the children or providing food service shall have the following:

(1) Written verification of a physical examination by a physician or nurse practitioner that provides evidence that there is no known communicable disease in an infectious state or physical or mental conditions which could affect their ability to perform assigned duties in the child care center.
(2) Mantoux tuberculin skin test, with results recorded in millimeters, and repeated annually.
(3) If the Mantoux test is considered positive, they shall have a negative chest x-ray and or a statement from a physician or nurse practitioner stating that they are free of tuberculosis in an active, infectious state.
(4) Persons with a history of tuberculosis or a positive Mantoux shall have an annual health assessment, including a symptom screening for tuberculosis documented by a health professional.

(Division of Family and Children; 470 IAC 3-4.7-85; filed Aug 11, 2003, 3:00 p.m.: 27 IR 142)

470 IAC 3-4.7-86 Child health requirements

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 86. (a) Within thirty (30) days after enrollment or no earlier than twelve (12) months prior to enrollment, each child shall have written verification of a physical examination by a physician or a nurse practitioner.

(b) The examination shall include the following:
(1) Child's medical history.
(2) Physical examination.
(3) A written statement there is no health condition that would be hazardous either to the child or to other children in the child care center as a result of participation in the program of activities.
(4) A written statement regarding modification of plans of care which require special attention because of medical conditions or allergies.

(c) Written orders for each medication taken at the child care center.

(d) Documentation of complete age-appropriate immunizations, as required by the division with recommendation from ISDH, and updated annually, including:
(1) conjugated pneumococcal vaccine; and
(2) varicella vaccine or written documented history of disease by either the parent or child's health provider.

(e) Health records may be transferred if the physical exam is dated within a year.

(f) Children two (2) years of age and younger shall have an annual health examination.

(g) A provider shall maintain current documentation for each child.

(h) A parent may request that their child be exempt from immunizations, physical examinations, or medical treatment based on religious beliefs with the following conditions:
(1) The parent shall make a signed, written request for exemption based on religious beliefs.
(2) The center shall keep the request in the child's health record.
(3) Nothing in this provision precludes the child care center from using emergency first aid techniques to treat the exempted child or to exclude a child where control of contagious disease may be necessary.

(i) If a child's physician determines that a child should not have immunizations for medical reasons, the physician shall

indicate and update annually these exceptions on the child's health record form.

(j) Only children that meet the health requirements of this rule may attend the child care center. *(Division of Family and Children; 470 IAC 3-4.7-86; filed Aug 11, 2003, 3:00 p.m.: 27 IR 142)*

470 IAC 3-4.7-87 Ill child procedures

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 87. (a) The center shall not admit children who are ill upon arrival.

(b) If a child becomes ill during the day, caregivers shall immediately isolate the child from other children and notify the parent to arrange for other immediate care of the child.

(c) Caregivers shall directly observe and supervise all children who are ill or injured until they leave the child care center.

(d) The center may not readmit children who exhibit symptoms of the illness for which they were excluded without the approval of the director or director-designee.

(e) Centers shall have a written policy regarding the exclusion of ill children. *(Division of Family and Children; 470 IAC 3-4.7-87; filed Aug 11, 2003, 3:00 p.m.: 27 IR 143)*

470 IAC 3-4.7-88 Medication

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 88. (a) Each child care center may have one (1) pain or fever reducing medication, one (1) cough medication, and one (1) antihistamine decongestant on the premises as follows:

(1) The child care center's health consultant shall specify these medications by name in the child care center's written approved health program renewed every two (2) years, and renew written instructions every two (2) years.

(2) Caregivers shall administer the specified medication as directed on the label of the medication or as specified by the consulting physician.

(3) Parent permission forms for administering this medication shall be on file for each child to whom the medication is given.

(b) The giving or application of all other medication and carrying out medical procedures shall be done only on written order or prescription from a physician or other health care professional authorized to write prescriptions, which must be kept with the medication.

(c) All individual nonprescription medicine orders must be renewed annually for children under two (2) years of age and every two (2) years for children two (2) years of age and older.

(d) Caregivers shall obtain the reason for administration of the medication and written parental permission prior to the administering of medication.

(e) All pharmacy-labeled prescription medication must be renewed annually and kept in currently labeled containers.

(f) The written order or the pharmacy label must show the following:

(1) The name of the child.
(2) The name of the specific medication.
(3) The dosage of medication to be administered.
(4) Why it is to be given (for nonprescription medication).
(5) The frequency/interval to be given.
(6) The physician's name.
(7) The date the prescription was filled or the order was written.

(g) Medication shall be kept in the original container.

(h) When no longer needed, medication shall be returned to the parents or destroyed.

(i) Medication not requiring refrigeration shall be kept locked in a cabinet or container that is in a well-lit area, fifty (50) foot-candles, and shall not be stored in the kitchen or in a bathroom.

(j) Medication labeled "refrigerate" shall be stored in tightly lidded, washable containers marked "medication" in a refrigerator.

(k) The center shall not store medication beyond the:
(1) expired date on the label;
(2) expired written physician order; and
(3) prescription label older than one (1) year.
(l) With parent's written approval, centers may use preventive products, such as sunscreens, insect repellents, nonmedicated powder, petroleum jelly, and A & D ointment, without a physician's order. *(Division of Family and Children; 470 IAC 3-4.7-88; filed Aug 11, 2003, 3:00 p.m.: 27 IR 143)*

470 IAC 3-4.7-89 Communicable disease
Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 89. (a) The center shall make every effort to control the spread of communicable diseases and shall establish written health policies and precautions directed to this end.
(b) Whenever exposure to disease has occurred in the child care center, control measures shall be implemented as follows:
(1) The disinfection of toilet facilities, furnishings, toys, or other articles that may have been used by a person with a communicable disease.
(2) The disposal of bodily discharge containing infectious material in a manner that would protect handlers from contact with the material.
(c) When any person working, volunteering, or attending the child care center is known to have a communicable disease, they shall be excluded from attendance at the child care center for such time as is prescribed by the person's physician or the local health officer.
(d) The center shall ascertain when the person is well enough to return to work.
(e) The center shall follow the Child Care Communicable Disease Chart, available from the division, for appropriate management of suspected illness.
(f) The center shall provide space to separate from the group, any child having or suspected of having a communicable disease or any illness as follows:
(1) This area shall not be used for any other purpose by the children while being used as isolation quarters.
(2) This area shall be heated and well ventilated.
(3) The area must have at least one (1) cot. The center must provide two (2) cots if the child care center is licensed for one hundred fifty (150) children or more and three (3) cots if the child care center is licensed for two hundred twenty-five (225) children or more.
(4) The cot, and all other furnishings in this area, must be easily sanitized.
(5) Caregivers shall maintain three (3) feet of space between cots.
(6) Children in this area shall at all times be directly supervised by an adult caregiver.
(7) Staff shall sanitize the area and all equipment in the area between uses.
(Division of Family and Children; 470 IAC 3-4.7-89; filed Aug 11, 2003, 3:00 p.m.: 27 IR 144)

470 IAC 3-4.7-90 Universal precautions supplies
Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 90. The following universal precautions supplies shall be available to all staff:
(1) Disposable medical gloves.
(2) Plastic bags.
(3) One (1) part chlorine to nine (9) parts water or other EPA-approved tuberculocidal solution for cleaning blood or other potentially infectious materials as defined by OSHA.
(4) Cardiopulmonary resuscitation barrier masks.
(5) Any other items indicated by the child care center's health consultant.
(Division of Family and Children; 470 IAC 3-4.7-90; filed Aug 11, 2003, 3:00 p.m.: 27 IR 144)

470 IAC 3-4.7-91 Emergency equipment and procedures

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 91. (a) The center shall post first aid directions for the care of poisoning, seizures, hemorrhaging, artificial respiration, choking, and shock in each room or area occupied by children.

(b) If first aid directives from the division are not used, the procedures must be approved, in writing, by the center's health consultant and updated every two (2) years.

(c) A first aid manual, equivalent to the Red Cross First Aid Manual, shall be immediately available for staff use.

(d) First aid supplies as specified by the center's health consultant shall be available to all staff and inaccessible to children. The first aid kit, at a minimum, shall consist of the following:

(1) Sheer strip bandages.
(2) Sterile bandages and compresses.
(3) Adhesive tape.
(4) Scissors.
(5) Flashlight.
(6) Thermometer.
(7) Disposable gloves.
(8) Mild soap.

(e) The center shall have an operable telephone on the premises, easily accessible for use in an emergency and for other communications.

(f) The center shall post a list of emergency telephone numbers by all telephones. *(Division of Family and Children; 470 IAC 3-4.7-91; filed Aug 11, 2003, 3:00 p.m.: 27 IR 144)*

470 IAC 3-4.7-92 Evacuation procedures

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 92. (a) The center shall make plans for the protection of children in the event of a disaster.

(b) The center shall post written disaster, evacuation, and shelter procedures for an internal and an external disaster in the following areas:

(1) All areas used by children.
(2) Kitchen.
(3) Offices.
(4) Hallways.

(c) Fire exit routes shall not pass through the following:

(1) Kitchens.
(2) Storerooms.
(3) Bathrooms.
(4) Closets.
(5) Any area where motor vehicles or gasoline powered equipment are stored.
(6) Spaces used for similar purposes.

(d) Staff shall obtain accurate head counts of children and staff in the event of evacuations or drills at the child care center. *(Division of Family and Children; 470 IAC 3-4.7-92; filed Aug 11, 2003, 3:00 p.m.: 27 IR 145)*

470 IAC 3-4.7-93 Child hygiene

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 93. (a) The center schedule shall include provisions for supervised personal hygiene, washing hands before and after

meals, and washing hands after using the toilet facilities.

(b) Caregivers shall change wet or soiled clothing promptly. Each child shall have a supply of clean clothing available for this purpose.

(c) If toothbrushes and toothpaste are used, the following applies:

(1) The center shall store them in an area inaccessible to children.

(2) The center shall not store them in the toilet room.

(3) The center shall store them so that one (1) child's toothbrush does not touch or contaminate another child's.

(4) The center shall maintain toothbrushes in a clean and sanitary manner.

(5) Caregivers shall dispense toothpaste in a sanitary manner.

(6) If the sink for tooth brushing is in a toilet room, the faucet and sink must be sanitized before being used for tooth brushing.

(Division of Family and Children; 470 IAC 3-4.7-93; filed Aug 11, 2003, 3:00 p.m.: 27 IR 145)

470 IAC 3-4.7-94 Diapering

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 94. (a) Diaper bags brought from home shall be inaccessible to children.

(b) The center or the parent shall supply diapers. Caregivers shall have diapers available at all times so they can keep each child dry and clean.

(c) The center must store diapers off the floor, protected from contamination, and inaccessible to children.

(d) Disposable diapers furnished by the parent shall be brought to the child care center in original, unopened packages and marked with the individual child's name.

(e) Caregivers shall diaper all children on a changing table, except as follows:

(1) Caregivers may change infants that are unable to pull to a stand in their own crib.

(2) Caregivers may change children two (2) years of age and older standing up under the following conditions:

(A) Hand washing and child cleansing procedures are followed in the same manner as when a changing table is used.

(B) Neither the clean or dirty diaper changing materials are placed on the floor.

(f) When diapering children three (3) years of age and older, caregivers shall do the following:

(1) Not use the twos', toddlers', or infants' diaper changing table or their room or area to change diapers.

(2) Use a designated, sanitizable table or cot that is not used for any other purpose as follows:

(A) This cot must be stored away from children when not in use.

(B) The cot and table must be sanitized with a solution of one (1) tablespoon bleach to one (1) quart water or EPA-approved solution capable of killing enteric pathogens after each use.

(3) Use same skin care procedure as consulting physician has approved for other diapered children in center or the procedure recommended by the division.

(4) Provide a shielded or private area for the diapering process.

(g) The center with children under three (3) years of age who wear diapers or pull-ups shall provide a changing table in each room/area.

(h) The center shall locate a sink within ten (10) feet of the changing table in the room/area or in a room that opens directly into the room/area.

(i) The center shall use a changing table as follows:

(1) The table must be sturdy and sanitizable.

(2) The table must not have wicker, lattice, or cloth material parts.

(3) The table must be equipped with sanitizable safety devices designed to prevent a child from falling.

(j) Caregivers shall use the diapering surface exclusively for diaper changing.

(k) Caregivers shall not change diapers on the floor, on equipment shelves, or on any food preparation or eating surface.

(l) Staff shall maintain hand contact with the child to prevent falls while on the changing table.

(m) Caregivers shall speak with the children while changing diapers.

(n) There shall be a soft sanitizable pad on the table with a clean strip of waterproof, disposable paper to cover the entire pad. Caregivers shall place a new, waterproof, paper strip on the pad after each diaper change.

(o) If an infant is changed in their crib, caregivers shall place a clean sanitizable pad down with a clean strip of waterproof, disposable paper to protect the bedding or change the sheet and sanitize the mattress after each changing.

(p) Caregivers shall sanitize the pad and table when they become soiled and at the end of each day.

(q) Caregivers shall use a clean cloth or diaper wipe for each individual washing of a child. Soft, clean, terry wash cloths or diaper wipes shall be immediately accessible.

(r) Caregivers shall properly cleanse the child's body at each diapering. The submitted health program shall contain skin care procedures approved by the center's health consultant. Caregivers shall post and follow the procedures when diapering children.

(s) If disposable gloves are used, they must be discarded immediately after the dirty diaper is removed and the child is cleansed.

(t) Regardless of whether gloves are used, caregivers shall wash their hands before and after each diaper change.

(u) The child's hands shall be washed after diaper changing with a clean, damp, soapy cloth, then rinsed with a second clean cloth in the same order, or, the child's hands shall be held under warm, running water, soaped, and dried with a disposable towel.

(v) Soiled or wet children's clothing shall be placed in a plastic bag, sealed, and kept inaccessible to children and returned home at the end of each day.

(w) Loose fecal material may be shaken into the toilet; soiled clothing or cloth diapers shall not be rinsed in toilets or sinks. *(Division of Family and Children; 470 IAC 3-4.7-94; filed Aug 11, 2003, 3:00 p.m.: 27 IR 145)*

470 IAC 3-4.7-95 Disposable diapers

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 95. (a) Caregivers shall place soiled disposable diapers in a plastic bag in a tightly covered sanitary container that is inaccessible to children.

(b) The bags shall be tied tightly and removed from the child care center, as needed, and at the end of each day. *(Division of Family and Children; 470 IAC 3-4.7-95; filed Aug 11, 2003, 3:00 p.m.: 27 IR 146)*

470 IAC 3-4.7-96 Cloth diapers

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 96. (a) Staff shall use a deodorizing solution or granules in diaper containers.

(b) Staff shall clean and disinfect diaper containers when emptied.

(c) Caregivers shall handle cloth diapers furnished by the center as follows:

(1) Waterproof diaper covers must be provided.

(2) Caregivers shall use a fresh, clean diaper cover with each diaper change.

(3) Caregivers shall keep the diapers and diaper covers in tightly covered containers between pick-ups.

(4) A commercial laundry service shall launder the diapers and the diaper covers.

(d) Caregivers shall handle cloth diapers furnished by the parents as follows:

(1) The diapers shall be kept separate from diapers used for other children.

(2) Waterproof diaper covers must be provided.

(3) Caregivers shall use a fresh, clean diaper cover with each diaper change.

(4) Caregivers shall place the soiled diapers in a plastic bag, store them through the day in a tightly covered container, and return the diapers to the parent daily.

(5) Caregivers shall keep the diaper covers in tightly covered containers or plastic bags and return them to the parent daily.

(e) The center shall provide washable, plastic lined, tightly covered containers for soiled cloth diapers and linens.

(f) Containers shall be conveniently located for caregivers, but inaccessible to children. *(Division of Family and Children; 470 IAC 3-4.7-96; filed Aug 11, 2003, 3:00 p.m.: 27 IR 146)*

470 IAC 3-4.7-97 Toilet training

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 97. (a) Caregivers shall do all toilet training with the parent's knowledge and consent.

(b) Caregivers shall make a reasonable effort to be consistent with the parent's toilet training methods and communicate regularly on the progress and child's successes.

(c) When children reach an age where they feel confident and unafraid to sit on a training seat, caregivers shall invite them to use the toilet, help them as needed, and positively reinforce their behavior regardless of the outcome.

(d) Caregivers shall never force a child to remain on the toilet.

(e) Caregivers shall never discipline, scold, shame, or humiliate a child for failure to conform or for wet or soiled clothing.

(f) Caregivers shall assure that a supply of clean clothing is available to keep children dry, clean, and fully clothed during the training process.

(g) The center shall provide a toilet with a training seat or a child-sized toilet.

(h) Potty chairs may not be used.

(i) Children and staff shall wash their hands with soap and warm running water and dry them with a disposable towel after each toileting usage. *(Division of Family and Children; 470 IAC 3-4.7-97; filed Aug 11, 2003, 3:00 p.m.: 27 IR 147)*

470 IAC 3-4.7-98 Staff hygiene

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 98. (a) Persons who handle and serve food shall thoroughly wash their hands with soap and warm running water and use disposable towels from a dispenser for drying or an electric hand dryer.

(b) Hand sanitizers shall not be used in place of hand washings.

(c) Hand washing shall be done before starting work, washed as often as necessary to keep them clean, and after smoking, eating, drinking, or using the toilet.

(d) Staff who prepare food shall not change diapers.

(e) Caregivers shall wash their hands before and after each child care duty including individual feeding, bathing, wiping noses, diapering, and assisting children using the toilet.

(f) Kitchen staff must wear clean, washable garments (aprons or smocks) while in the kitchen and serving food.

(g) Kitchen staff must have effective hair restraint that keeps hair back and covered. *(Division of Family and Children; 470 IAC 3-4.7-98; filed Aug 11, 2003, 3:00 p.m.: 27 IR 147)*

470 IAC 3-4.7-99 Building maintenance

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 99. (a) The administrator or director is responsible for keeping the building, premises, and equipment in safe repair and structurally sound.

(b) Caregivers shall not care for children in areas that are being remodeled, repaired, or painted.

(c) The administrator or director is responsible for maintaining all interior and exterior surfaces, including walls, floors, ceilings, equipment, toys, furnishings, and cribs, in a safe condition, free of sharp points or jagged edges, splinters, protruding nails or wires, loose parts, rusty parts, or materials containing poisonous substances.

(d) The interior finish, including walls and ceilings, of the child care center shall comply with the rules of the FPBSC under 675 IAC.

(e) Walls shall be of washable materials.

(f) Floors and steps shall be smooth and of washable, nonslippery material.

(g) The center must firmly secure and keep all carpeting clean.

(h) The center shall not use small rugs for floor covering.

(i) Staff shall take the following steps to maintain the child care center:

(1) Clean the child care center daily.

(2) Keep the child care center in a sanitary condition at all times.

(3) Sanitize toys, furniture, and other equipment used by children, weekly and when they become soiled or contaminated.

(4) Wash all soiled items prior to sanitization.

(j) Staff shall not do major cleaning, except for spills after meals and art projects, while children are present in the area being cleaned.

(k) Staff shall keep exit areas clear of equipment, debris, and other objects at all times. *(Division of Family and Children; 470 IAC 3-4.7-99; filed Aug 11, 2003, 3:00 p.m.: 27 IR 147)*

470 IAC 3-4.7-100 Poisons, chemicals, and hazardous items

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 100. (a) Poisons, chemicals, and any item that states "fatal if swallowed" must be in locked storage and not accessible to children.

(b) Chemicals for lawn care and insect and rodent control shall not be applied when children are present in the child care center.

(c) Peeling paint, on any interior or exterior surface or on any equipment, that contains lead in excess of current ISDH standards shall be made inaccessible to children until laboratory analysis is made on the peeling material.

(d) The division shall approve all lead abatement procedures prior to the start of work.

(e) The center must store cleaning equipment, cleaning agents, aerosol cans, and any other item that states "keep out of the reach of children" in a place that is inaccessible to children.

(f) The center must store hazardous articles, sharp scissors, knives, latches, lighters, flammable liquids, power tools, cleaning supplies, and any other items that might be harmful to children in a place inaccessible to children.

(g) Any thermal hazards above one hundred twenty (120) degrees Fahrenheit, such as radiators, hot water pipes, steam pipes, and heaters, in the space occupied by children shall be out of reach of children or be separated from the space by partitions, screens, or other means, which are firmly attached and cannot be overturned.

(h) The center shall make inaccessible to children environmental hazards that present a risk for entrapment or burial, such as, but not limited to, the following:

(1) Pits.

(2) Abandoned wells.

(3) Abandoned appliances.

(Division of Family and Children; 470 IAC 3-4.7-100; filed Aug 11, 2003, 3:00 p.m.: 27 IR 148)

470 IAC 3-4.7-101 Electrical safety

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 101. (a) Centers shall not use extension cords, except for approved, grounded, and surge protection strips. Such protection strips shall be plugged directly into an approved outlet.

(b) The center shall cover electrical outlets or otherwise make them shockproof in all areas accessible by children.

(c) Electric fans, if used, shall be securely mounted high on the wall or ceiling or shall be guarded to limit the size of the opening in the blade guard with properly installed sixteen (16) gauge mesh screen. The Underwriters Laboratory must approve all fans.

(d) No electrical device or apparatus accessible to children shall be located so that it could be plugged into an electrical outlet while in contact with a water source, including, but not limited to, a sink, tub, shower, or swimming pool. *(Division of Family and Children; 470 IAC 3-4.7-101; filed Aug 11, 2003, 3:00 p.m.: 27 IR 148)*

470 IAC 3-4.7-102 Combustible materials

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 102. (a) Staff shall keep the center free from fire hazards.

(b) The center shall not permit trash that contains combustible materials, such as paper, rags, or cardboard, to accumulate on the premises.

(c) Staff shall keep hoods above stoves and other equipment free of dust and grease.

(d) Kitchen hoods shall be installed where required under the rules of the FPBSC under 675 IAC. The center shall have all kitchen hoods serviced and maintained according to the rules of the FPBSC under 675 IAC and have available records to document compliance.

(e) Staff shall keep storage areas clean and free from clutter.

(f) All storage shall be at least twenty-four (24) inches from the ceiling.

(g) The center shall store flammable liquids as follows:

(1) Only in quantities and in rooms specifically permitted by the rules of the FPBSC under 675 IAC.

(2) In a room that is inaccessible to children.

(3) In tightly sealed containers when not in use.

(h) The center shall not use flammable decorative materials unless the materials are inherently flame retardant or made flame retardant, except as follows:

(1) The center may display educational materials in a manner so as not to create a fire hazard.

(2) The center may have live, uncut, and nonpoisonous plants and trees.

(3) The center may display flammable wall decorations as long as the decorations do not exceed five percent (5%) of the gross wall area and are distributed in a manner so as not to create a fire hazard.

(Division of Family and Children; 470 IAC 3-4.7-102; filed Aug 11, 2003, 3:00 p.m.: 27 IR 148)

470 IAC 3-4.7-103 Emergency drills

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 103. (a) Staff shall conduct fire drills in accordance with the rules of the FPBSC under 675 IAC. Drills shall be conducted monthly and the records available to document compliance.

(b) Staff shall conduct evacuation drills for natural disasters in areas where they occur as follows:

(1) Tornadoes, on a monthly basis.

(2) Floods, every six (6) months.

(3) Earthquake, every six (6) months.

(Division of Family and Children; 470 IAC 3-4.7-103; filed Aug 11, 2003, 3:00 p.m.: 27 IR 149)

470 IAC 3-4.7-104 Furnace room

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 104. The center shall construct the furnace room or room containing any central heating equipment in accordance with the rules of the FPBSC under 675 IAC. *(Division of Family and Children; 470 IAC 3-4.7-104; filed Aug 11, 2003, 3:00 p.m.: 27 IR 149)*

470 IAC 3-4.7-105 Prohibited heat sources

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 105. The center shall not use the following heat sources:

(1) Open grate gas heaters.
(2) Open fireplaces.
(3) Space heaters.
(4) Portable unventilated oil burning heaters.
(5) Portable electric heaters.
(Division of Family and Children; 470 IAC 3-4.7-105; filed Aug 11, 2003, 3:00 p.m.: 27 IR 149)

470 IAC 3-4.7-106 Heat, light, ventilation, and air conditioning
Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 106. (a) Installation, testing, and maintenance of heating, ventilation, air conditioning, fire alarm, and sprinkler systems shall comply with the rules of the FPBSC under 675 IAC.

(b) When natural light is insufficient, it shall be supplemented by artificial light so that the following minimum levels of illumination are maintained:

(1) All food service areas shall have a minimum of seventy (70) foot-candles.
(2) All food storage areas, including refrigerators, shall have a minimum of twenty (20) foot-candles.
(3) Desks, table top work areas, reading areas, locked medication storage areas, and art rooms shall have a minimum of fifty (50) foot-candles.
(4) Gymnasiums, large muscle equipment areas, bathrooms, locker rooms, and diaper changing areas shall have a minimum of thirty (30) foot-candles.
(5) Hallways, corridors, stairwells, storage rooms, and food storage areas shall have a minimum of twenty (20) foot-candles.
(6) Rest and nap areas shall have a minimum of five (5) foot-candles in all areas.

(c) All light intensity measurements shall be at the level of work. If no work is done in a room or hallway, the measurement shall be at a height of thirty (30) inches above the floor.

(d) The child care center shall be ventilated.

(e) The center shall maintain a temperature of not less than sixty-eight (68) degrees Fahrenheit.

(f) All child care centers initially licensed after the effective date of this rule shall maintain a temperature not more than seventy-eight (78) degrees Fahrenheit.

(g) All outside doors and windows shall be screened with sixteen (16) gauge mesh screen when open.

(h) The center shall keep all screens in good repair and all unscreened windows and doors closed.

(i) The center shall make heating units, including water pipes and baseboard heaters, hotter than one hundred ten (110) degrees Fahrenheit inaccessible to children by barriers such as guards or other devices. *(Division of Family and Children; 470 IAC 3-4.7-106; filed Aug 11, 2003, 3:00 p.m.: 27 IR 149)*

470 IAC 3-4.7-107 Hallways, stairways, and exits
Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 107. (a) The center shall keep all hallways, stairways, corridors, aisles, and exits lighted and free from obstructions at all times.

(b) All exterior and interior stairways shall comply with the rules of FPBSC under 675 IAC.

(c) Exit signs shall be installed and maintained in accordance with the rules of the FPBSC under 675 IAC.

(d) The center shall provide emergency lighting in all interior hallways, stairways, and corridors.

(e) All portions of the means of egress shall comply with the rules of the FPBSC under 675 IAC. *(Division of Family and Children; 470 IAC 3-4.7-107; filed Aug 11, 2003, 3:00 p.m.: 27 IR 150)*

470 IAC 3-4.7-108 Doors
Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 108. (a) Exit doors shall comply with the rules of FPBSC under 675 IAC.

(b) Exit doors shall be openable from the inside without the use of a key or any special knowledge or effort. Exit doors shall not be locked, chained, bolted, barred, latched, or otherwise rendered unusable.

(c) The center shall make all interior room and closet doors such that children can open the doors from the inside with a simple twisting motion or the equivalent.

(d) The center shall not provide locking or latching devices on child bathroom doors.

(e) All interior locked doors shall be designed to permit opening by the staff. The key or other opening device shall be readily accessible to staff.

(f) Automatic door closures must be adjusted properly. *(Division of Family and Children; 470 IAC 3-4.7-108; filed Aug 11, 2003, 3:00 p.m.: 27 IR 150)*

470 IAC 3-4.7-109 Garbage and refuse

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 109. (a) The center shall keep all interior garbage, dirty diapering supplies, food products, and disposable meal service supplies in tight seamed, easily cleanable trash containers and cover them with tight fitting lids pending removal.

(b) Staff shall remove all garbage and refuse within the child care center daily to an outside tightly covered trash receptacle that will not permit the transmission of disease or provide harborage for insects, rodents, or other pests.

(c) Staff shall clean trash containers when soiled. *(Division of Family and Children; 470 IAC 3-4.7-109; filed Aug 11, 2003, 3:00 p.m.: 27 IR 150)*

470 IAC 3-4.7-110 Indoor space

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 110. (a) Each child care room/area shall have a minimum of thirty-five (35) square feet of usable indoor play space per child at all times.

(b) Usable indoor play space is exclusive of the kitchen, toilet rooms, isolation areas, office, staff rooms, hallways, stairways, storage areas, lockers, cubbies, the teacher's desk, laundry areas, the furnace room, and floor space occupied by permanent built-in cabinets.

(c) Separate play rooms or separated areas in play rooms shall be provided for the various types of activities required by the child care program and for the separation of children according to age and class size. *(Division of Family and Children; 470 IAC 3-4.7-110; filed Aug 11, 2003, 3:00 p.m.: 27 IR 150)*

470 IAC 3-4.7-111 Indoor furnishings

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 111. (a) Furnishings and equipment shall be durable, safe, and scaled to the size of the children.

(b) The center shall provide tables and chairs in each child care area as follows:

(1) Child-sized chairs made so that when a child sits in a chair their feet touch the ground and their back touches the chair back.

(2) A minimum of one (1) chair and table space per child regularly cared for in the room/area.

(3) Child-sized tables made so that when a child sits in a child-sized chair their elbows rest on the table top.

(c) Staff shall not stack tables or chairs in the class room/area while children are awake.

(d) The center shall provide space for each child's personal belongings to keep them separate from other children's belongings.

(e) The center shall construct, locate, install, and design coat hooks in a manner that does not pose a hazard to children. *(Division of Family and Children; 470 IAC 3-4.7-111; filed Aug 11, 2003, 3:00 p.m.: 27 IR 150)*

470 IAC 3-4.7-112 Holiday decorations

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 112. All child care centers shall comply with the rules of the FPBSC under 675 IAC regarding holiday decorations and Christmas trees. *(Division of Family and Children; 470 IAC 3-4.7-112; filed Aug 11, 2003, 3:00 p.m.: 27 IR 151)*

470 IAC 3-4.7-113 Bathrooms

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 113. (a) The child care center shall provide a minimum of one (1) sink and one (1) flush toilet per fifteen (15) children two (2) years of age and older. Infant and toddler restrooms count only for their rooms.

(b) When the licensing capacity exceeds sixty (60) children, the center may substitute one (1) urinal for a toilet in the school age area only.

(c) School age children of the opposite sex shall not use the same restroom.

(d) Partitions shall separate toilets for school age children if there is more than one (1) toilet in a room.

(e) Stalls used by school age children shall have doors.

(f) If fifteen (15) or fewer school age children are present, only one (1) toilet and sink is required for their use.

(g) The center shall locate the toilet for children two (2) years of age no more than ten (10) feet from their room/area.

(h) Toilet paper on a dispenser shall be available and within reach of the children by each toilet.

(i) Mild soap shall be available, dispensed in a sanitary manner, and within reach of the children at each sink.

(j) Disposable towels in a dispenser or electrical hand dryers that operate at a maximum temperature of one hundred twenty (120) degrees Fahrenheit shall be within reach of the children by the sinks. If the center uses electrical hand dryers, they must provide one (1) for each sink.

(k) Toilet facilities for staff shall be furnished, separate from those facilities used for children. Staff shall not use children's toilets.

(l) The center must seal all hand washing sinks to the wall.

(m) The center must seal all walls and floors in restrooms.

(n) All items in the restroom must be sanitizable.

(o) If toilets and sinks are not child-sized, the center must provide safe, sanitizable steps or platforms for each toilet and sink.

(p) The center shall control toilet and bathroom odors by ventilation and sanitation. If a screened window is not present, there shall be mechanical exhaust vents. Existing centers shall have ventilation added if sanitation measures fail to control odors. *(Division of Family and Children; 470 IAC 3-4.7-113; filed Aug 11, 2003, 3:00 p.m.: 27 IR 151)*

470 IAC 3-4.7-114 Water supply and plumbing

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 114. (a) The center shall maintain a safe and sanitary water supply.

(b) If the center uses a private water supply or well instead of a public water supply, the center shall supply written records of current test results indicating that the water supply is safe for drinking. The water system must meet the water quality and construction standards of the IDEM.

(c) The center shall provide hot and cold running water at all hand washing sinks.

(d) The center shall use an antiscald valve approved by ISDH to maintain water temperature between one hundred (100) degrees Fahrenheit and one hundred twenty (120) degrees Fahrenheit on all hot water supplied to sinks, bathing, and washing facilities used by children.

(e) If water faucets have hoses connected to them that are not in use, such faucets must have vacuum breakers (back-flow preventives).

(f) All plumbing fixtures shall discharge into a public sanitary sewer whenever available within a reasonable distance or if

soil conditions prohibit the construction of an approved on-site system.

(g) All sewage disposal and any sewage treatment system shall meet the requirements of ISDH.

(h) All plumbing fixtures shall be in good repair.

(i) All plumbing equipment shall meet the requirements of the FPBSC under 675 IAC, ISDH, and IDEM. *(Division of Family and Children; 470 IAC 3-4.7-114; filed Aug 11, 2003, 3:00 p.m.: 27 IR 151)*

470 IAC 3-4.7-115 Drinking water

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 115. (a) Drinking water shall be freely available to all children during all hours.

(b) Drinking fountains or disposable cups for individual use shall be provided and dispensed in a sanitary manner.

(c) Drinking fountains shall have a guarded angled stream with water pressure regulated so that the stream rises at least two (2) inches above the guard but does not splash on the floor.

(d) Drinking water shall not be obtained from a toilet room sink.

(e) Children shall not go into the kitchen to obtain drinking water. *(Division of Family and Children; 470 IAC 3-4.7-115; filed Aug 11, 2003, 3:00 p.m.: 27 IR 152)*

470 IAC 3-4.7-116 Kitchen and food preparation areas

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 116. (a) The center shall operate the kitchen, all food preparation areas, and all food service areas in compliance with 410 IAC 7-20, a copy of which shall be in the kitchen at all times for reference.

(b) The kitchen must have at least three (3) floor-to-ceiling walls. The fourth serving wall and all doors must be a minimum of three (3) feet in height.

(c) Walls and ceilings must meet the requirements of 410 IAC 7-20 and FPBSC under 675 IAC.

(d) The kitchen and other food preparation areas shall be separate from areas used for any other purpose.

(e) The center shall locate the kitchen in a way to prevent usage as a throughway. No one shall use the kitchen as a throughway to other rooms or areas during food preparation and dish washing.

(f) The kitchen shall not be used:

(1) for children's activities or naps;

(2) as a dining or recreational area for adults; or

(3) as an office.

(g) The center shall not allow unauthorized persons in the kitchen.

(h) Counter surfaces shall be smooth, free from breaks or chips, and sealed to the wall.

(i) All food preparation surfaces and eating surfaces shall be sanitized:

(1) before and after use; and

(2) when there is a potential for cross contamination.

(j) Floors shall be of smooth, nonabsorbent materials and free of cracks that would prevent cleaning. The center shall not carpet the kitchen or food preparation areas.

(k) All equipment must be easily movable, elevated, or sealed to the floor and the wall so that cleaning under and around equipment will be possible.

(l) Whenever washing and sanitizing are conducted mechanically, the center shall provide spray type dish washing machines that meet the specifications of 410 IAC 7-20.

(m) When manually washing and sanitizing dishes and utensils, the center must use a three (3) compartment sink with either drain boards or movable dish tables.

(n) Staff must store dishes, pots, pans, and utensils in a manner that protects them from contamination.

(o) If disposable utensils and supplies are used, they shall be stored in closed containers away from any cleaning compounds and toxic or hazardous materials.

(p) The center shall properly install a hand washing sink in the kitchen. The center shall supply soap and disposable towels from a dispenser or an electric hand dryer by the sink.

(q) The center shall locate the hand washing sink at least twenty-four (24) inches away from the area used for dish sanitizing or air drying, or install a protective barrier, at least twenty-four (24) inches in height, between the sanitizing area and the hand washing sink.

(r) Work and cleaning schedules shall be written, posted, and followed for all the food storage and preparation and service areas.

(s) The center shall place an accurate, easily readable thermometer in each compartment of the refrigerator and freezer in position for daily monitoring.

(t) The center must provide a stove if they prepare meals. If the stove is of the commercial type, it must comply with the rules of the FPBSC. *(Division of Family and Children; 470 IAC 3-4.7-116; filed Aug 11, 2003, 3:00 p.m.: 27 IR 152)*

470 IAC 3-4.7-117 Manual dish washing

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 117. (a) Staff shall thoroughly wash multi-use utensils and equipment in a detergent solution in the first compartment of the sink.

(b) Staff shall rinse the equipment free of detergent solutions in clean water by immersing in the second compartment of the sink.

(c) All eating and drinking utensils and the food contact surfaces of all other equipment and utensils are sanitized in the third compartment as specified in 410 IAC 7-20.

(d) The center shall post instructions for proper manual dish washing in the kitchen if dishes are washed and sanitized manually.

(e) Dishes and utensils shall always be air-dried.

(f) The center may use sturdy, single-use, disposable utensils and dishes as an alternative to dish washing. If the center uses any cooking or serving utensils or dishes that are not disposable, they must have and use approved dish washing facilities. *(Division of Family and Children; 470 IAC 3-4.7-117; filed Aug 11, 2003, 3:00 p.m.: 27 IR 153)*

470 IAC 3-4.7-118 Pest prevention

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 118. (a) The center shall take adequate measures to prevent entry of insects and rodents. These measures shall include the following:

(1) Installing sixteen (16) mesh screen on outside openings.
(2) Sealing cracks and holes.
(3) Sealing around pipes, plumbing, and ducts.

(b) The center shall employ an exterminator if other measures fail to rid the child care center of pests.

(c) Proper cleaning shall be provided to minimize attraction of insects to food sources.

(d) Children shall not be present during pest extermination procedures. *(Division of Family and Children; 470 IAC 3-4.7-118; filed Aug 11, 2003, 3:00 p.m.: 27 IR 153)*

470 IAC 3-4.7-119 Office and staff areas

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 119. (a) The center shall provide office space separated from the areas used by the children.

(b) Office space and equipment shall be adequate for the administrative and staff needs of the child care center.

(c) Telephone service must be provided on site.

(d) An area separated from the office space and areas used by the children shall be provided for the use of the staff. This area must be a room in child care centers licensed after the effective date of this rule. *(Division of Family and Children; 470 IAC 3-4.7-119; filed Aug 11, 2003, 3:00 p.m.: 27 IR 153)*

470 IAC 3-4.7-120 Infant/toddler requirements

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 120. (a) The child care center shall meet all the requirements of this rule and be specifically licensed for infant or toddler care prior to providing care for any infant or toddler.

(b) The specific rules for infants and toddlers shall prevail if there is a difference between this rule and the rules for all ages of children. *(Division of Family and Children; 470 IAC 3-4.7-120; filed Aug 11, 2003, 3:00 p.m.: 27 IR 153)*

470 IAC 3-4.7-121 Infant/toddler room personnel

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 121. (a) Caregivers shall have had training specifically related to infant/toddler development.

(b) Caregivers shall have means available to communicate with other staff and summon assistance without leaving children unattended.

(c) The director shall assign a primary caregiver for each infant and toddler.

(d) All caregivers shall interact with and address the needs of all children in their room.

(e) Staff person in charge of an infant/toddler group shall be at least twenty-one (21) years of age. If all the children in the group are at least twenty-four (24) months old, the staff person in charge shall be at least eighteen (18) years of age. *(Division of Family and Children; 470 IAC 3-4.7-121; filed Aug 11, 2003, 3:00 p.m.: 27 IR 153)*

470 IAC 3-4.7-122 Infant/toddler charts and records

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 122. (a) The center shall devise and place a daily record chart in each infant and toddler room. This chart shall provide space to record information about each child as follows:

(1) Food and fluid offered and taken.
(2) Time of diaper changes.
(3) Unusual mood of the child.
(4) Unusual health conditions, such as:
  (A) nose bleeds;
  (B) skin rash;
  (C) elevated temperature;
  (D) signs of constipation or diarrhea;
  (E) injuries; and
  (F) special health needs.

(b) The center shall keep charts on file for at least one (1) month. *(Division of Family and Children; 470 IAC 3-4.7-122; filed Aug 11, 2003, 3:00 p.m.: 27 IR 153)*

470 IAC 3-4.7-123 Infant physical care

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 123. Caregivers shall:

(1) greet the infant and their parent as they arrive and help the child separate from the parent;
(2) engage in many one-to-one, face-to-face interactions with infants;
(3) talk in a pleasant, soothing voice, using simple language and frequent eye contact;
(4) provide regular hugs and affection;
(5) talk with, sing, and read to infants;
(6) hold and carry infants frequently and talk to the infants before, during, and after moving the infant around;
(7) drape a diaper, towel, or pad across their shoulder when holding an infant using a different cloth for each infant;
(8) respond quickly to infants' cries or calls of distress; and
(9) respond to infants' needs for food and comfort.

(Division of Family and Children; 470 IAC 3-4.7-123; filed Aug 11, 2003, 3:00 p.m.: 27 IR 154)

470 IAC 3-4.7-124 Toddler physical care

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 124. Caregivers shall:
(1) greet the toddler and their parent as they arrive;
(2) help the child separate from the parent and become a part of a small group or the activities in process;
(3) provide regular hugs and affection;
(4) engage in many one-to-one, face-to-face conversations with toddlers;
(5) let toddlers initiate language, even from children whose language is limited;
(6) name objects, describe events, and reflect feelings to help children learn new words;
(7) respond quickly to toddlers' cries or calls for help;
(8) respect the toddler's desire to carry favored objects around with them, to move objects like household items from one (1) place to another, and to roam around, or sit and parallel play with toys and objects; and
(9) help children to feel increasingly competent and in control of themselves.

(Division of Family and Children; 470 IAC 3-4.7-124; filed Aug 11, 2003, 3:00 p.m.: 27 IR 154)

470 IAC 3-4.7-125 Infant/toddler program; general

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 125. Caregivers shall:
(1) provide a daily program that is designed to meet the developmental needs of infants and toddlers;
(2) write and engage in a developmentally appropriate individual activity with each child daily;
(3) respect the individual child's schedule with regard to eating, sleeping, and diapering;
(4) dress children for the weather and type of play;
(5) set flexible time schedules dictated more by children's needs than by adults;
(6) children shall have many opportunities for active, large muscle play, both indoors and outdoors;
(7) provide toys that are reachable by the children without assistance from the caregiver; and
(8) provide a variety of music.

(Division of Family and Children; 470 IAC 3-4.7-125; filed Aug 11, 2003, 3:00 p.m.: 27 IR 154)

470 IAC 3-4.7-126 Infant program

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 126. Caregivers shall:
(1) arrange space so children:
(A) can enjoy moments of quiet play by themselves;

(B) have space to roll over; and
(C) can crawl toward interesting objects;
(2) provide safe areas for infants to freely explore their environment;
(3) change the child's focus of play periodically during the day from the floor to give infants different perspectives on people and places; and
(4) not place awake children in cribs, except for a short period of time when going to sleep or awakening.
(Division of Family and Children; 470 IAC 3-4.7-126; filed Aug 11, 2003, 3:00 p.m.: 27 IR 154)

470 IAC 3-4.7-127 Toddler program
Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 127. Caregivers shall:
(1) speak to children in complete sentences, avoiding long explanations and not using baby talk;
(2) play pretend and singing games with the children;
(3) make toys available on low, open shelves so children can choose their own selections;
(4) permit children to carry toys and move about in the environment as they choose;
(5) frequently read to toddlers, individually or in groups of two (2) or three (3);
(6) sing and do finger plays with toddlers;
(7) act out simple stories with children participating actively;
(8) provide a variety of art media, such as large crayons, watercolor markers, and large paper, to toddlers;
(9) permit toddlers to explore and manipulate art materials;
(10) permit toddlers to produce their own art products; and
(11) frequently offer alternatives and redirection to avoid saying "no".
(Division of Family and Children; 470 IAC 3-4.7-127; filed Aug 11, 2003, 3:00 p.m.: 27 IR 154)

470 IAC 3-4.7-128 Infant/toddler room furnishings; general
Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 128. (a) Caregivers shall decorate the room at the children's eye level.
(b) Storage space for supplies and personal belongings of each child shall be in each room.
(c) Staff shall not store furnishings or equipment in cribs.
(d) Furniture that could be pulled over by a child shall not be accessible to the children.
(e) Indoor climbing structures and steps that are safe for exploration shall be provided in each room.
(f) All electrical cords shall be inaccessible to children. *(Division of Family and Children; 470 IAC 3-4.7-128; filed Aug 11, 2003, 3:00 p.m.: 27 IR 155)*

470 IAC 3-4.7-129 Infant room furnishings
Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 129. (a) The center shall equip each infant room with the following furnishings:
(1) A crib and individual bed clothes for each infant.
(2) A sanitizable rocking chair/glider for each care worker with no more than two (2) rocking chairs/gliders required per room.
(3) A sanitizable changing table unless caregivers change all infants in their individual cribs.
(4) Shatterproof mirrors placed where infants can observe themselves.
(5) Stable, low, and open shelves.
(b) Mesh cribs, mesh play pens, cradles, bean bag chairs, and bassinets of any type are prohibited. *(Division of Family and Children; 470 IAC 3-4.7-129; filed Aug 11, 2003, 3:00 p.m.: 27 IR 155)*

470 IAC 3-4.7-130 Toddler room furnishings

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 130. (a) The center shall equip each toddler room with the following furnishings:
(1) Stable, low, and open shelves.
(2) Child-sized tables and chairs.
(3) At least one (1) sanitizable rocking chair/glider. This is not required if all the children in the room are at least twenty-four (24) months old.
(4) A sanitizable changing table.
(5) Cots.
(b) Caregivers may substitute cribs for cots, but may not count crib space in square footage. *(Division of Family and Children; 470 IAC 3-4.7-130; filed Aug 11, 2003, 3:00 p.m.: 27 IR 155)*

470 IAC 3-4.7-131 Infant/toddler equipment; general

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 131. (a) The center shall provide indoor and outdoor play materials and equipment for caregivers to use with infants and toddlers to stimulate learning, growth, health, and development.
(b) Equipment and play materials shall be durable and free from characteristics that may be hazardous or injurious to infants and toddlers. Hazardous or injurious characteristics include, but are not limited to:
(1) sharp edges;
(2) rough edges;
(3) toxic paint; and
(4) objects small enough for children to swallow.
(c) Diaper bags and car seats from home shall not be allowed in the infant and toddler rooms.
(d) All articles that are used by infants or toddlers shall be sanitizable and sanitized daily and whenever soiled.
(e) All articles an infant chews on shall be sanitized after each child's use.
(f) Caregivers shall not attach pacifiers, if used, near or around the child's neck.
(g) Caregivers shall sanitize pacifiers when contaminated.
(h) The indoor and outdoor environment shall include ramps and steps that are the correct size for children to practice newly acquired skills.
(i) The infant and toddler outdoor play space must be separate from that of older children.
(j) Infants and toddlers shall have indoor/outdoor small climbing equipment that they can go in and out of, over, and around. *(Division of Family and Children; 470 IAC 3-4.7-131; filed Aug 11, 2003, 3:00 p.m.: 27 IR 155)*

470 IAC 3-4.7-132 Infant equipment

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 132. (a) Each room shall have, as a minimum, the following:
(1) Books for caregivers to read and sturdy picture books for children.
(2) Fine motor or manipulative toys.
(3) Gross motor or large muscle equipment.
(4) Sensory items.
(5) A source for playing recorded music.
(b) Caregivers shall provide duplicate toys.
(c) Equipment shall be routinely rotated in and out of the environment.
(d) Television is prohibited in infant areas. *(Division of Family and Children; 470 IAC 3-4.7-132; filed Aug 11, 2003, 3:00*

p.m.: 27 IR 156)

470 IAC 3-4.7-133 Toddler equipment

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 133. (a) Caregivers shall:
(1) provide duplicate toys;
(2) provide an art easel with paint and paper in each toddler room;
(3) have a shatterproof, full body mirror in each toddler room;
(4) have riding toys available and regularly used in the room; and
(5) routinely rotate equipment in and out of the environment.
(b) Each room shall have, at a minimum, the following:
(1) Dramatic play equipment.
(2) A sand/water/sensory table or container with equipment for measuring and pouring.
(3) Gross motor or large muscle equipment.
(4) Art materials.
(5) Blocks and accessories.
(6) A book corner with comfortable seating, cardboard books, and cloth books.
(7) Musical instruments.
(c) Television is prohibited in toddler areas. *(Division of Family and Children; 470 IAC 3-4.7-133; filed Aug 11, 2003, 3:00 p.m.: 27 IR 156)*

470 IAC 3-4.7-134 Infant feeding

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 134. (a) The center shall provide food that meets the dietary needs of each infant as based on the National Research Council-Recommended Daily Dietary Allowance (NRC-RDA).
(b) Prior to admission, the child's parent shall establish a feeding plan, based on the recommendation of the child's physician, for each infant.
(c) The feeding plan for each infant shall include and list the following:
(1) The specified kind and amount of food or formula to be offered.
(2) The scheduled hours that food or formula are to be offered.
(d) The parent shall update the feeding plan as the child's food intake changes.
(e) Any changes or restrictions from the recommended feeding plan for children for more than forty-eight (48) hours must have a physician's written order.
(f) The center shall post a copy of the child's feeding plan for use by food preparation personnel and the person responsible for feeding the child.
(g) Caregivers shall adjust to infant's individual feeding schedules.
(h) Caregivers shall feed infants in their own rooms.
(i) Caregivers shall wash their hands before each feeding of individual children.
(j) Caregivers shall hold infants while feeding them bottles.
(k) Caregivers shall provide a clean sanitized training cup for each child who is old enough and ready to drink from it. *(Division of Family and Children; 470 IAC 3-4.7-134; filed Aug 11, 2003, 3:00 p.m.: 27 IR 156)*

470 IAC 3-4.7-135 Infant food preparation and storage

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 135. (a) The parent or the center may provide formula.
(b) All canned formula must be unopened, commercially prepared, and ready-to-feed strength.
(c) The center shall not use outdated formula.
(d) There shall be a heating unit for warming bottles and food, accessible only to staff, located in the infant room. Staff shall not heat formula or breast milk in a microwave oven.
(e) Caregivers shall thoroughly stir food heated in a microwave after heating and before feeding to children.
(f) A refrigerator shall be located in the infant food preparation room.
(g) If a day's supply of bottles is prepared at one (1) time, each bottle shall be covered and labeled with the child's name, date, and time poured.
(h) Staff shall refrigerate prepared bottles and use them within twenty-four (24) hours.
(i) Staff shall cover and refrigerate portions of formula that remain in open original containers that are labeled with date and time opened and shall discard this formula after forty-eight (48) hours if unused.
(j) Staff shall discard any formula remaining in a bottle after a feeding.
(k) Parents may supply filled bottles as follows:
(1) The bottles shall be sterilized.
(2) The nipple must be covered.
(3) The bottle shall be labeled with the child's name and date prepared.
(4) The bottles must be brought to the child care center in a clean, insulated container that keeps the formula at forty-one (41) degrees Fahrenheit or below.
(5) Staff shall return all unused bottles daily.
(6) The parent shall provide one (1) unopened can of ready to feed formula.
(Division of Family and Children; 470 IAC 3-4.7-135; filed Aug 11, 2003, 3:00 p.m.: 27 IR 156)

470 IAC 3-4.7-136 Breast milk
Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 136. (a) Prior to serving breast milk to an infant, the center shall have on file a written parent agreement as follows:
(1) The parent shall agree to provide breast milk in sterilized bottles or sterile nurser bags.
(2) The parent shall agree to store the milk in a single serving size.
(3) The parent shall assume responsibility for maintaining the milk at forty-one (41) degrees Fahrenheit or below during home storage and transport to the child care center.
(b) The center or the mother must supply sterilized bottles or disposable nurser bags.
(c) The mother shall store her milk in a bottle or bag and refrigerate the milk.
(d) The milk must be labeled with the child's name and the date and time collected.
(e) The bottles must be brought to the child care center in a clean, insulated container that keeps the milk at forty-one (41) degrees Fahrenheit or below.
(f) The center shall use fresh, refrigerated breast milk within forty-eight (48) hours of the time expressed.
(g) Staff shall not thaw or warm breast milk in a microwave oven.
(h) Staff shall discard any breast milk remaining in a bottle after a feeding.
(i) Centers shall support mothers who are breast feeding. *(Division of Family and Children; 470 IAC 3-4.7-136; filed Aug 11, 2003, 3:00 p.m.: 27 IR 157)*

470 IAC 3-4.7-137 Infant milk
Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 137. (a) At feeding time, milk shall be poured from the original container directly into the sterilized bottle or sanitized training cup.
(b) All unused portions of an individual feeding shall be discarded.

(c) The center shall store milk at forty-one (41) degrees Fahrenheit or below. *(Division of Family and Children; 470 IAC 3-4.7-137; filed Aug 11, 2003, 3:00 p.m.: 27 IR 157)*

470 IAC 3-4.7-138 Bottle sterilizing procedures

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 138. (a) If bottles are to be washed and sterilized in the infant room, the center must provide a two (2) compartment sink for this purpose only.

(b) The center shall post procedures for bottle sterilization where the sterilization takes place.

(c) Staff shall sterilize permanent ware bottles, nipples, collars, caps, expanders, and tongs as follows:

(1) Prewash all items in hot detergent water.

(2) Scrub bottles and nipples inside and out with bottle and nipple brush.

(3) Squeeze water through the nipple hole during washing.

(4) Rinse items well with clean, hot water.

(5) Boil in clear water as follows:

(A) Bottles for five (5) minutes.

(B) Nipples, caps, collars, and tongs for three (3) minutes.

(d) A commercial bottle sterilizer used according to manufacturer instructions may be substituted for the boiling procedures in this subdivision.

(e) All items shall be air-dried.

(f) Staff shall store all items separately in clean, covered, and labeled containers, away from food, and in compliance with 410 IAC 7-20 concerning food service sanitation requirements.

(g) Hands shall be clean and care taken in handling technique to prevent contamination of clean bottles and nipples. *(Division of Family and Children; 470 IAC 3-4.7-138; filed Aug 11, 2003, 3:00 p.m.: 27 IR 157)*

470 IAC 3-4.7-139 Infant solid foods

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 139. (a) Caregivers shall not use a nurser or nurser-type equipment to feed children food unless by written orders from a physician.

(b) Staff shall cover, date, and refrigerate open containers of food. Caregivers shall use or discard the contents of opened jars within twenty-four (24) hours.

(c) Caregivers may serve food from jars or from a separate serving dish using a separate jar or serving dish for each infant.

(d) If caregivers feed children from jars, they shall discard any leftovers in the jars. Caregivers shall discard any leftovers from serving dishes.

(e) Food shall be cut up in small pieces no larger than one-fourth (¼) inch cube. *(Division of Family and Children; 470 IAC 3-4.7-139; filed Aug 11, 2003, 3:00 p.m.: 27 IR 158)*

470 IAC 3-4.7-140 Toddler feeding

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 140. (a) The center shall provide food that meets the dietary needs of each toddler as based on the National Research Council-Recommended Daily Dietary Allowance (NRC-RDA).

(b) Caregivers shall wash their hands before feeding of toddlers.

(c) Caregivers shall assist and assure that each toddler washes their hands before each meal.

(d) Caregivers shall feed toddlers in their own room.

(e) Tables and chairs of appropriate height and size, high chairs with a broad base, or feeding tables shall be provided

according to the age and development of the child.

(f) Caregivers shall always use safety belts for securing the children when the children are in high chairs and feeding tables.

(g) Caregivers shall remove children from their chair after eating.

(h) Caregivers shall provide a clean sanitized training cup for each child who is old enough and ready to drink from it. Caregivers must cover unused refrigerated training cups.

(i) Caregivers shall allow and encourage children to feed themselves. Caregivers shall maintain supportive help to children for as long as they need such help.

(j) Staff shall serve and have food ready to eat before calling children to meals so they do not have to wait.

(k) Caregivers must provide appropriate size eating utensils.

(l) When a child is able and seems ready to adjust to eating with others at a table, he or she may be placed at a child's table.

(m) At all meals, adults shall be seated at each table to supervise.

(n) Water shall be offered between meals and snacks to each toddler.

(o) Food must be cut up in no larger than one-half (½) inch cubes. *(Division of Family and Children; 470 IAC 3-4.7-140; filed Aug 11, 2003, 3:00 p.m.: 27 IR 158)*

470 IAC 3-4.7-141 Infant/toddler sleeping

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 141. (a) The needs of individual children shall determine the sleeping periods.

(b) Caregivers shall place infants on their backs or sides in their cribs for sleeping.

(c) Only children under thirty (30) inches tall may use a port-a-crib.

(d) Only children under thirty-five (35) inches tall may use a full-sized crib.

(e) The fifty (50) square feet of required space per child includes space for a crib for each infant.

(f) All cribs shall meet the following guidelines:

(1) Cribs shall be of sturdy construction.

(2) There shall be no corner posts higher than one-sixteenth ($^{1}/_{16}$) inch.

(3) There shall be no cut-outs in the headboard.

(4) Spaces between the bars of the crib and between the bars and the end panels of the crib shall not exceed two and three-eighths (2⅜) inches.

(5) Each crib shall have a firm mattress at least two (2) inches thick that is securely covered with a waterproof material not dangerous to children.

(6) The gap between the mattress and the interior perimeter of the crib shall not exceed one (1) inch.

(7) Drop-side latches shall be safe and securely hold the sides in the raised position.

(8) Latches shall not be reachable by a child in the crib.

(g) Full-sized cribs shall meet the following guidelines:

(1) The interior dimension shall be greater than fifty-one and three-fourths (51¾) inches in length, and twenty-seven and three-eighths (27⅜) inches in width.

(2) With the mattress support in its lowest position and the crib side in its highest position, the vertical distance from the upper surface of the mattress support to the upper surface of the crib side and end panel shall not be less than twenty-six (26) inches.

(h) Port-a-cribs shall meet the following guidelines:

(1) The interior dimension is smaller than fifty and three-eighths (50⅜) inches in length but not less than thirty-six (36) inches in length, and smaller than twenty-six (26) inches in width but not less than twenty-four (24) inches in width.

(2) With the mattress support in its lowest position, the vertical distance from the upper surface of the mattress support to the upper surface of the crib side and end panel shall not be less than twenty-two (22) inches.

(i) Caregivers shall provide at least three (3) feet of space between cribs when occupied.

(j) Tiered or stacked cribs are prohibited.

(k) Cribs shall be located away from heaters, drafts, and cords from window coverings.

(l) When a child is in a crib, caregivers shall extend the sides to their fullest height.

(m) Staff shall sanitize all cribs as often as necessary and at least daily.

(n) Staff shall sanitize cribs or cots and change bedding between each child's use if they allow two (2) part-time children to share the same crib or cot.

(o) All bedding shall be changed immediately when wet or soiled, and otherwise once each day.

(p) Staff shall launder bedding in a washing machine with water temperature above one hundred sixty (160) degrees Fahrenheit or in a sanitizing solution of one (1) cup bleach or equivalent chemical per washer load.

(q) Soiled bedding shall not accumulate for longer than twenty-four (24) hours before laundering.

(r) Staff shall have a reserve supply of bedding and wash cloths available at all times in case of delays in laundry pickup or delivery.

(s) Each toddler shall have individual bedding with their separate cot or crib.

(t) Caregivers shall assure that at least three (3) feet of space is between toddler cots. *(Division of Family and Children; 470 IAC 3-4.7-141; filed Aug 11, 2003, 3:00 p.m.: 27 IR 158)*

470 IAC 3-4.7-142 Infant room size

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 142. (a) Each newly licensed infant room under this rule shall have a minimum of fifty (50) square feet of usable space per child. This space is exclusive of storage areas, entryways, lockers, and floor area occupied by built-in cabinets.

(b) Any infant room shall have a minimum of thirty-five (35) square feet of usable space per child provided that the same room remains licensed for infants. This space is exclusive of storage areas, entryways, lockers, and floor area occupied by permanent built-in cabinets. *(Division of Family and Children; 470 IAC 3-4.7-142; filed Aug 11, 2003, 3:00 p.m.: 27 IR 159)*

470 IAC 3-4.7-143 Infant/toddler rooms; general

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 143. (a) All portions of the means of egress shall comply with the rules of the FPBSC under 675 IAC.

(b) Each infant and toddler room shall have floor-to-ceiling walls on all sides and full doors.

(c) No one shall use the infant or toddler rooms as throughways.

(d) The floor covering in infant and toddler rooms shall meet the following standards:

(1) It shall be safe and easily cleaned.

(2) Throw rugs are not permitted.

(3) Staff shall vacuum carpeting daily when children are not present and shampoo the carpeting as frequently as necessary to keep it clean.

(4) Staff shall mop noncarpeted flooring daily when children are not present and as frequently as necessary to keep it clean.

(5) The floor covering under and two (2) feet around the area used for diapering, feeding, and preparation of food shall be noncarpeted and easily cleaned.

(e) A sink must be in the infant room or in a room that opens directly into the infant room. If the infant room has a toilet, it must be in a room with a door.

(f) A sink must be in the toddler room or in a room that opens directly into the toddler room.

(g) A toilet must be in a room with a door that opens directly into the toddler room. *(Division of Family and Children; 470 IAC 3-4.7-143; filed Aug 11, 2003, 3:00 p.m.: 27 IR 159)*

470 IAC 3-4.7-144 School age staffing

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 144. (a) The child care center that enrolls school age children shall have at least one (1) caregiver qualified by training or experience to work with this age group.

(b) The caregivers serving school age children shall receive in-service training that relates to the specific needs of the children

served. *(Division of Family and Children; 470 IAC 3-4.7-144; filed Aug 11, 2003, 3:00 p.m.: 27 IR 160)*

470 IAC 3-4.7-145 School age grouping

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 145. (a) The center shall keep school age children separated from younger children at all times except as in subsection (d) and section 49(f) of this rule.

(b) School age children shall have a clearly defined separate room/area that does not interfere with the care of younger children.

(c) Outdoor play areas shall not be used by both preschool and school age children at the same time unless separate, clearly defined play areas are provided.

(d) School age children may choose to interact with two (2) year olds and preschool children under direct caregiver supervision with the following conditions:

(1) Caregivers shall permit only one (1) school age child per group of two (2) year olds or preschool children at any given time.
(2) This shall be a voluntary educational experience and not used as a disciplinary measure or to correct child/staff ratios.
(3) Caregivers shall permit only one (1) school age child per group per day.
(4) School age children shall be counted as children when determining the child/staff ratio.
(5) School age children shall not lift a child.
(6) School age children shall not assist in snack or meal times.
(7) School age children shall not assist in rest time.
(8) School age children shall not assist in supervision of restroom usage or diapering.
(9) School age children shall not be asked to assume responsibility for the care and safety of other children.

(Division of Family and Children; 470 IAC 3-4.7-145; filed Aug 11, 2003, 3:00 p.m.: 27 IR 160)

470 IAC 3-4.7-146 School age program and equipment

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 146. (a) The center shall provide a program and activities that recognize the developmental and educational needs of school age children.

(b) Caregivers shall seek child input in the development of program activities.

(c) Children who have been in school all day shall have time set aside for relaxation and recreation immediately upon arrival from school.

(d) Indoor and outdoor equipment shall be age and physical size appropriate. *(Division of Family and Children; 470 IAC 3-4.7-146; filed Aug 11, 2003, 3:00 p.m.: 27 IR 160)*

470 IAC 3-4.7-147 Special needs staffing

Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 147. (a) Caregivers serving children who require special program services shall receive in-service training that relates to the specific needs of the children served.

(b) A consulting resource person shall be available to caregivers to provide assistance when necessary.

(c) Directors shall be certified in special needs care by the division within six (6) months of employment as provided by or approved by the division.

(d) Staff shall have special needs care training by a certified director or the division. *(Division of Family and Children; 470 IAC 3-4.7-147; filed Aug 11, 2003, 3:00 p.m.: 27 IR 160)*

470 IAC 3-4.7-148 Special needs program
Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 148. (a) The center shall form a resource team that maintains communication regarding the child's special needs and progress that consists of the following:
(1) Parent.
(2) Child care center director.
(3) Direct caregivers.
(4) Speech pathologists, physical and occupational therapists, educators, and other technical and professional personnel.
(b) The center shall implement recommendations made by the resource team and incorporate the recommendations into a program plan for the child.
(c) The center shall review, evaluate, and document all program recommendations from resource persons related to a child's special needs at least twice a year. *(Division of Family and Children; 470 IAC 3-4.7-148; filed Aug 11, 2003, 3:00 p.m.: 27 IR 160)*

470 IAC 3-4.7-149 Extended hours of operation
Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 149. (a) If a child care center is open for business twenty-four (24) hours per day, the center shall contact the SFM for additional fire safety rules.
(b) The center shall have the approval of the SFM and division prior to operating extended hours. *(Division of Family and Children; 470 IAC 3-4.7-149; filed Aug 11, 2003, 3:00 p.m.: 27 IR 161)*

470 IAC 3-4.7-150 Night care approval
Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 150. (a) The center shall meet all the requirements of this rule and be specifically approved for "Night Care" prior to providing care for any child between the hours of 7 p.m. and 6 a.m.
(b) The specific rules for "Night Care" shall prevail if there is a difference between this rule and the rules for all times of care. *(Division of Family and Children; 470 IAC 3-4.7-150; filed Aug 11, 2003, 3:00 p.m.: 27 IR 161)*

470 IAC 3-4.7-151 Night care staffing
Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 151. (a) There shall always be at least two (2) caregivers on duty at all times regardless of the child/staff ratio.
(b) Caregivers counted for purposes of meeting child/staff ratio requirements shall be awake at all times. *(Division of Family and Children; 470 IAC 3-4.7-151; filed Aug 11, 2003, 3:00 p.m.: 27 IR 161)*

470 IAC 3-4.7-152 Night care
Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 152. (a) Caregivers may combine infants, toddlers, and children two (2) years of age only during evening sleeping hours.
(b) Caregivers shall determine maximum group size by the age of the youngest child.
(c) Caregivers may permit preschool and school age children to sleep in separate areas in the same room during evening hours. Caregivers may make exceptions for siblings. *(Division of Family and Children; 470 IAC 3-4.7-152; filed Aug 11, 2003, 3:00 p.m.: 27 IR 161)*

470 IAC 3-4.7-153 Night care program and equipment
Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 153. (a) Each child shall have an individual cot, bed, or crib equipped with bedding and maintained in sanitary and safe condition.

(b) Each group must have a posted schedule of evening activities. *(Division of Family and Children; 470 IAC 3-4.7-153; filed Aug 11, 2003, 3:00 p.m.: 27 IR 161)*

470 IAC 3-4.7-154 Night care food service
Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 154. (a) Staff shall serve an evening meal at a regular time each evening to all children that are in attendance and make the meal available to other children who may arrive later.

(b) Staff shall serve a bedtime snack to each child.

(c) Staff shall serve breakfast to all children that have been at the child care center throughout the night and are present at 6:30 a.m. *(Division of Family and Children; 470 IAC 3-4.7-154; filed Aug 11, 2003, 3:00 p.m.: 27 IR 161)*

470 IAC 3-4.7-155 Ill child care space requirement
Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 155. (a) The center shall use the ill child care room exclusively for ill children and not use the room for any other purpose.

(b) There shall be toilet, hand washing, and diapering facilities used exclusively for ill child care.

(c) The ill child care room shall have a separate entrance from the outside.

(d) The ill child care room shall have separate heating, air conditioning, and ventilation.

(e) The center must contact the child care health section for additional criteria. *(Division of Family and Children; 470 IAC 3-4.7-155; filed Aug 11, 2003, 3:00 p.m.: 27 IR 162)*

470 IAC 3-4.7-156 Existing licensed child care centers
Authority: IC 12-13-5-3
Affected: IC 12-17.2-4

Sec. 156. Existing child care centers licensed under 470 IAC 3-4.1 or 470 IAC 3-4.2, or both, at the time this rule is effective shall have one (1) calendar year to comply with this rule unless specifically stated otherwise. *(Division of Family and Children; 470 IAC 3-4.7-156; filed Aug 11, 2003, 3:00 p.m.: 27 IR 162)*

Rule 5. Services to Families and Children

470 IAC 3-5-1 Definition of special services for unwed parents (Repealed)

Sec. 1. *(Repealed by Division of Family and Children; filed Sep 15, 1986, 9:45 am: 10 IR 222)*

470 IAC 3-5-2 Application for special services for unwed parents (Repealed)

Sec. 2. *(Repealed by Division of Family and Children; filed Sep 15, 1986, 9:45 am: 10 IR 223)*

470 IAC 3-5-3 Eligibility for special services; denial (Repealed)

Sec. 3. *(Repealed by Division of Family and Children; filed Sep 15, 1986, 9:45 am: 10 IR 223)*

470 IAC 3-5-4 Limitation of special services; available services (Repealed)

Sec. 4. *(Repealed by Division of Family and Children; filed Sep 15, 1986, 9:45 am: 10 IR 223)*

470 IAC 3-5-5 Interstate and intercountry placement of children into Indiana; types of placements needing prior written approval and consent of state department (Repealed)

Sec. 5. *(Repealed by Division of Family and Children; filed Sep 15, 1986, 9:45 am: 10 IR 225)*

470 IAC 3-5-6 Approval and consent of interstate and intercountry placement of dependent children (Repealed)

Sec. 6. *(Repealed by Division of Family and Children; filed Sep 15, 1986, 9:45 am: 10 IR 225)*

470 IAC 3-5-7 International child placing agencies (Repealed)

Sec. 7. *(Repealed by Division of Family and Children; filed Sep 15, 1986, 9:45 am: 10 IR 225)*

470 IAC 3-5-8 Definition of runaway children program (Repealed)

Sec. 8. *(Repealed by Division of Family and Children; filed Sep 15, 1986, 9:45 am: 10 IR 223)*

470 IAC 3-5-9 Eligibility of runaway children, noneligibility (Repealed)

Sec. 9. *(Repealed by Division of Family and Children; filed Sep 15, 1986, 9:45 am: 10 IR 223)*

470 IAC 3-5-10 Limitation on services for runaway children; available services (Repealed)

Sec. 10. *(Repealed by Division of Family and Children; filed Sep 15, 1986, 9:45 am: 10 IR 223)*

470 IAC 3-5-11 Return of eligible runaways; court authorization (Repealed)

Sec. 11. *(Repealed by Division of Family and Children; filed Sep 15, 1986, 9:45 am: 10 IR 223)*

470 IAC 3-5-12 Regular access authority to the child welfare-social services division personal information system
Authority: IC 12-13-2-3; IC 12-13-5-3
Affected: IC 4-1-6; IC 4-21.5; IC 12-14-22

Sec. 12. Regular Access Authority to the Indiana State Department of Public Welfare, Child Welfare-Social Services Division Personal Information System. The following individuals have regular access authority to the information contained in the personal information systems maintained by the Indiana state department of public welfare in the office of the child welfare-social services division, subject to the confidentiality requirements set forth in state department regulation 1-201 *[470 IAC 1-3-1]*:

(1) Employees of the Indiana state department of public welfare.
(2) Employees of the county welfare departments of the state of Indiana.
(3) Employees of agencies in other states which have been given the responsibility of administering the child welfare-social services program in that state pursuant to a state plan which has been approved by the Department of Health, Education, and Welfare.
(4) Judges and court officials.
(5) County clerks and their staff who are charged by law with responsibility for certain records.

(6) All officials and their staff who are charged by law with the responsibility for investigation and pursuing criminal and/or civil prosecution.

(7) Any other individual, agency or official who is connected with the administration plan or program approved under parts A, B, C, or D of title IV or under titles II, X, XIV, XVI, XIX, or XX of the federal Social Security Act; or the supplemental security income program established under title XVI of the federal Social Security Act; or any other federal or federally assisted program which provides assistance, in cash or in-kind, or services, directly to individuals on the basis of need.

Access to adoption records is governed by the provisions of IC 31-3-1-5 *[IC 31-3 was repealed by P.L.1-1997, SECTION 157, effective July 1, 1997.]* and IC 31-3-1-12 *[IC 31-3 was repealed by P.L.1-1997, SECTION 157, effective July 1, 1997.]*.

45 CFR 205.50
IC 4-1-6-1
IC 4-1-6-2
IC 12-1-2-2(c) *[IC 12-1 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.]*
IC 12-1-2-3(f) *[IC 12-1 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.]*
IC 12-1-10-2 *[IC 12-1 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.]*
IC 12-3-4.1-3 *[Repealed by P.L.135-1978, SECTION 4.]*
IC 31-3-1-5 *[IC 31-3 was repealed by P.L.1-1997, SECTION 157, effective July 1, 1997.]*
IC 31-3-1-12 *[IC 31-3 was repealed by P.L.1-1997, SECTION 157, effective July 1, 1997.]*
IC 31-5-7-8 *[Repealed by P.L.136-1978, SECTION 57.]*
IC 31-5-7-15 *[Repealed by P.L.136-1978, SECTION 57.] (Division of Family and Children; Title 3,Ch 5,Reg 3-599; filed Nov 14, 1977, 9:00 am: Rules and Regs. 1978, p. 754; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-5-13 Agency action in child welfare services; denial or exclusion; agency action on special service to unwed parents and runaway children (Expired)

Sec. 13. *(Expired under IC 4-22-2.5, effective January 1, 2002.)*

470 IAC 3-5-14 Appeals; child welfare services; fair hearing (Repealed)

Sec. 14. *(Repealed by Division of Family and Children; filed May 22, 1987, 12:45 pm: 10 IR 2284, eff Jul 1, 1987)*

Rule 5.1. Interstate and Intercountry Child Placing Regulations

470 IAC 3-5.1-1 Interstate compact on the placement of children

Authority: IC 12-13-5-3
Affected: IC 12-17-8

Sec. 1. (a) Definitions as used in 470 IAC 3-5.1:

(1) "Child" means a person who, by reason of minority, is legally subject to parental, guardianship or similar control.

(2) "Sending agency" means a party state, or officer or employee thereof; a subdivision of a party state, or officer or employee thereof; a court of a party state; a person, corporation, association, charitable agency or other entity which sends, brings, or causes to be sent or brought any child to another party state.

(3) "Receiving state" means the state to which a child is sent, brought, or caused to be sent or brought, whether by public authorities or private persons or agencies, and whether for placement with state or local public authorities or for placement with private agencies or persons.

(4) "Placement" means the arrangement for the care of a child by an individual in a free home, in a boarding home, or in a child-caring agency or institution but does not include any institution caring for the mentally ill, mentally defective or epileptic or any institution primarily educational in character, and any hospital or other medical facility.

(b) Placements requiring state department of public welfare (SDPW) approval. The following interstate placements must be approved by the SDPW:

(1) Child in the custody of an out-of-state court or agency placed in Indiana in an adoptive home, a foster home licensed by

the SDPW, a parent or relative home or a child caring facility, licensed by the SDPW.

(2) Child in the custody of an out-of-state court or agency moving to Indiana with an adoptive family prior to legal finalization of the adoption.

(3) Child in the custody of an out-of-state court or agency moving to Indiana with a parent, guardian or relative or foster family.

(4) Child not in the custody of an out-of-state court or agency placed in an adoptive home in Indiana.

(c) SDPW prior approval. The SDPW must give prior approval before placement of such a child from another state is made. This approval is based on:

(1) Review by the SDPW of a current home study of the proposed foster, adoptive or relative home by an Indiana county department of public welfare (CDPW) or licensed, child placing agency (LCPA).

(2) Review by the SDPW and CDPW or LCPA of social, medical and legal information on the child(ren) to be placed provided by an out of state child placing agency licensed, approved or authorized by the sending state.

(i) If the child is to be adopted in Indiana legal information must include verification the child is legally free for adoption.

(ii) In the case of non-agency sponsored adoptive placements the social, medical and legal information shall be provided by the child's legal guardian.

(3) ICPC 100A's (INTERSTATE COMPACT APPLICATION REQUEST TO PLACE A CHILD) completed by the sending court or agency and signed by the sending state interstate compact on placement of children (ICPC) administrator.

In the case of non-agency sponsored adoptive placements there shall be a guardian for the child appointed by a court in the sending state. This guardian may be any competent adult other than either birth parent or either adoptive parent. This guardian shall be a full guardian of the person, willing and able to assume full financial responsibility for the child should the child not be legally adopted in Indiana, including returning the child to the sending state. *(Division of Family and Children; 470 IAC 3-5.1-1; filed Sep 15, 1986, 9:45 am: 10 IR 223; errata, 10 IR 887; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-5.1-2 Intercountry placement regulations

Authority: IC 12-13-5-3
Affected: IC 12-17-8

Sec. 2. (a) Approval of international child placing agencies. Any international child placing agency which desires to place foreign born children in Indiana must have the prior approval of the state department of public welfare (SDPW). This approval is based upon:

(1) written verification said agency is currently licensed as a child placing agency by the state in which it operates; and

(2) written verification that all placements made by said agency will comply with the interstate compact on the placement of children (ICPC) and the laws and regulations of Indiana.

(b) SDPW prior approval. The following placements of foreign born children in Indiana must be approved by the SDPW:

(1) children placed for adoption by licensed child placing agencies;

(2) non-agency sponsored adoptive placements;

(3) children placed in Indiana for purposes of receiving medical care;

(i) such placements must be made by the person or agency with legal custody of the child;

(ii) such placements shall be made into licensed boarding homes only.

(c) Pre-adoption requirements. The SDPW must give prior approval before a foreign born child may be placed in an adoptive home in Indiana. This approval is based on:

(1) Review by the SDPW of a current, favorable adoptive home study provided by an Indiana county department of public welfare (CDPW) or licensed child placing agency (LCPA).

If the adoptive family currently resides outside the United States the SDPW shall have the discretion to approve the person or agency completing the adoptive home study.

(2) Review by the SDPW and the Indiana CDPW or LCPA sponsoring the adoption of social, medical and legal information on the child(ren) to be placed provided by the licensed, approved or authorized international child placing agency legally responsible for the child.

If the child is not in the legal custody of a United States based child placing agency, this information shall be provided by the

agency or person in the child's country of residence with legal custody of the child.

(3) ICPC 100A's (INTERSTATE COMPACT APPLICATION REQUEST TO PLACE A CHILD) completed by the sending agency and signed by the sending state ICPC administrator.

In the case of a non-agency adoptive placement, the adoptive family must provide proof of financial liability for the child. This financial liability shall be an agreement between the adoptive family and the Indiana CDPW or LCPA sponsoring the adoption in a form and amount determined by the Indiana CDPW or LCPA. A copy of this financial liability must be provided the SDPW.

Placement of child(ren) into Indiana legally adopted in the country prior to entry into Indiana do not require SDPW approval.

Placement of foreign born children with relatives (parent, grandparent, adult brother or sister and adult aunt or uncle) does not require SDPW approval. *(Division of Family and Children; 470 IAC 3-5.1-2; filed Sep 15, 1986, 9:45 am: 10 IR 224; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

Rule 5.3. Interstate Compacts on Adoption and Medical Assistance

470 IAC 3-5.3-1 Interstate compact on adoption and medical assistance

Authority: IC 12-13-5-3
Affected: IC 31-3-5-1

Sec. 1. The state department of public welfare shall enter into an interstate compact, on adoption and medical assistance, hereinafter referred to as the compact, to provide procedures for adoption and medical assistance for interstate children. The compact shall comply with the regulation contained in this rule and IC 31-3-5 *[IC 31-3 was repealed by P.L.1-1997, SECTION 157, effective July 1, 1997.]*. This rule shall apply to all interstate adoption assistance agreements. *(Division of Family and Children; 470 IAC 3-5.3-1; filed Jan 8, 1991, 3:15 p.m.: 14 IR 1048; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-5.3-2 Definitions

Authority: IC 12-13-5-3
Affected: IC 31-3-5-1

Sec. 2. (a) As used in this rule, “adoption assistance” means the payment or payments for the maintenance of a child which are made or committed to be made pursuant to the adoption assistance program established by the laws of a party state.

(b) As used in this rule, “adoption assistance state” means the state that is signatory to an adoption assistance agreement in a particular case.

(c) As used in this rule, “child with special needs” has the meaning set forth in 470 IAC 3-10-2.

(d) As used in this rule, “department” means the state department of public welfare.

(e) As used in this rule, “parents” means either the singular or plural of the word “parent”.

(f) As used in this rule, “residence state” means the state in which the child is a resident by virtue of the residence of the adoptive parents.

(g) As used in this rule, “state” means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, or a territory or possession of or administered by the United States. *(Division of Family and Children; 470 IAC 3-5.3-2; filed Jan 8, 1991, 3:15 p.m.: 14 IR 1048; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-5.3-3 Adoption assistance

Authority: IC 12-13-5-3
Affected: IC 31-3-5

Sec. 3. (a) The department shall determine the amounts of adoption assistance and other aid which it will give to children with special needs and their adoptive parents in accordance with its own laws and programs.

(b) The adoption assistance, medical assistance, and other services and benefits to which this rule applies are those provided to children with special needs and their adoptive parents from the effective date of the adoption assistance agreement.

(c) Every case of adoption assistance shall include a written adoption assistance agreement between the adoptive parents and

the appropriate agency of the state undertaking to provide the adoption assistance. Every such agreement shall contain provisions for the fixing of actual or potential interstate aspects of the assistance so provided as follows:

(1) An express commitment that the assistance so provided shall be payable without regard for the state of residence of the adoptive parents, both at the outset of the agreement period and at all times during its continuance.

(2) A provision setting forth with particularity the types of care and services toward which the adoption assistance state will make payments.

(3) A commitment to make medical assistance available to the child in accordance with section 4 of this rule.

(4) An express declaration that the agreement is for the benefit of the child, the adoptive parents, and the state and that it is enforceable by any or all of them.

(5) The date or dates upon which each payment or other benefit provided thereunder is to commence, but in no event prior to the effective date of the adoption assistance agreement.

(d) Any services or benefits provided for a child by the residence state and the adoption assistance state may be facilitated by the party states on each other's behalf. The personnel of the child welfare agencies of the party states will assist each other, as well as the beneficiaries of adoption assistance agreements, in assuring prompt and full access to all benefits expressly included in such agreements. It is further recognized and agreed that, in general, all children to whom adoption assistance agreements apply will be eligible for benefits under the child welfare, education, rehabilitation, mental health, and other programs of their state of residence on the same basis as other resident children.

(e) Adoption assistance payments on behalf of a child in another state shall be made on the same basis and in the same amounts as they would be made if the child were living in the state making the payments, except that the laws of the adoption assistance state may provide for the payment of higher amounts. *(Division of Family and Children; 470 IAC 3-5.3-3; filed Jan 8, 1991, 3:15 p.m.: 14 IR 1049; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-5.3-4 Medical assistance

Authority: IC 12-13-5-3
Affected: IC 31-3-5

Sec. 4. (a) Children for whom a party state is committed, in accordance with the terms of an adoption assistance agreement, to provide federally aided medical assistance under Title XIX of the Social Security Act, are eligible for such medical assistance during the entire period for which the agreement is in effect. Upon application therefor, the adoptive parents of a child who is the subject of such an adoption assistance agreement shall receive a medical assistance identification document made out in the child's name. The identification shall be issued by the medical assistance program of the residence state and shall entitle the child to the same benefits, pursuant to the same procedures, as any other child who is covered by the medical assistance program in that state, whether or not the adoptive parents are themselves eligible for medical assistance.

(b) The identification document shall bear no indication that an adoption assistance agreement with another state is the basis for its issuance. However, if the identification is issued pursuant to such an adoption assistance agreement, the records of the issuing state and the adoption assistance state shall show the fact, and shall contain a copy of the adoption assistance agreement and any amendment or replacement thereof, as well as all other pertinent information. The adoption assistance and medical assistance programs of the adoption assistance state shall be notified of the issuance of such identification.

(c) A state which has issued a medical assistance identification document pursuant to this rule, which identification is valid and currently in force, shall accept, process, and pay medical assistance claims thereon as it would with any other medical assistance claims by eligible residents.

(d) The federally aided medical assistance provided by a party state pursuant to this rule shall be in accordance with subsections (a) through (c). When a child who is covered by an adoption assistance agreement is living in another party state, payment or reimbursement for any medical services and benefits specified under the terms of the adoption assistance agreement, which are not available to the child under the Title XIX medical assistance program of the residence state, shall be made by the adoption assistance state as required by its law. Any payments so provided shall be of the same kind and at the same rates as provided for children who are living in the adoption assistance state. However, where the payment rate authorized for a covered service under the medical assistance program of the adoption assistance state exceeds the rate authorized by the residence state for that service, the adoption assistance state shall not be required to pay the additional amounts for the services or benefits covered by the residence state.

(e) A child referred to in subsection (a), whose residence is changed from one (1) party state to another party state, shall be eligible for federally aided medical assistance under the medical assistance program of the new state of residence.

(f) Medical assistance shall be provided consistent with federal law. Services and benefits shall not be reimbursed for any amount covered under any insurance or other third party medical contract or arrangement held by the child or adoptive parents. *(Division of Family and Children; 470 IAC 3-5.3-4; filed Jan 8, 1991, 3:15 p.m.: 14 IR 1049; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-5.3-5 Compact administration

Authority: IC 12-13-5-3
Affected: IC 31-3-5

Sec. 5. (a) The department, by its administrator, shall designate a compact administrator and such deputy compact administrators as it deems necessary. The compact administrator shall coordinate all activities under this compact within his or her state. The compact administrator shall also be the principal contact for officials and agencies within and without the state for the facilitation of interstate relations involving this compact and the protection of benefits and services provided pursuant thereto. In this capacity, the compact administrator will be responsible for assisting child welfare agency personnel from other party states and adoptive families receiving adoption and medical assistance on an interstate basis.

(b) Acting jointly, the compact administrators shall develop uniform forms and administrative procedures for the interstate monitoring and delivery of adoption and medical assistance benefits and services pursuant to this rule. The forms and procedures so developed may deal with such matters as follows:

(1) Documentation of continuing adoption assistance eligibility.

(2) Interstate payments and reimbursements.

(3) Any and all other matters arising pursuant to this compact.

(c) Some or all of the parties to this compact may enter into supplementary agreements for the provision of, or payment for, additional medical benefits and services under section 4(d) of this rule; for interstate service delivery under section 3(d) of this rule; or for matters related thereto. Such agreements shall not be inconsistent with this rule, nor shall they relieve the party states of any obligation to provide adoption and medical assistance in accordance with applicable state and federal law and the terms of this rule. Administrative procedures or forms implementing the supplementary agreements referred to in this subsection may be developed by joint action of the compact administrators of those states which are party to such supplementary agreements.

(d) It shall be the responsibility of the compact administrator to ascertain whether and to what extent additional legislation may be necessary in his or her own state to carry out the provisions of this section, section 3 of this rule, or any supplementary agreements under this rule.

(e) The compact administrator shall establish a procedure to annually monitor interstate adoption assistance agreements to determine continuing eligibility. *(Division of Family and Children; 470 IAC 3-5.3-5; filed Jan 8, 1991, 3:15 p.m.: 14 IR 1050; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

Rule 6. Licensing of Children's Homes Defined as Group Homes (Repealed)

(Repealed by Division of Family and Children; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2045)

Rule 7. Release of Information to Individuals Engaged in Research Projects on Child Abuse

470 IAC 3-7-1 Release of information to individuals engaged in research projects on child abuse; written request; good faith research project; qualifying individual

Authority: IC 12-13-2-3; IC 12-13-5-3
Affected: IC 4-1-6-8.6

Sec. 1. Under the provisions of IC 31-5.5-3-18 *[Repealed by Acts 1979, P.L.276, SECTION 60.]* upon the receipt of a written request the county department of public welfare or a local child protection service shall disclose to any qualifying individual engaged in a good faith research project information of a general nature concerning child abuse or other statistical or social data used in connection with studies, reports, or surveys on child abuse or information related to the function and activities of that department

or the child protection team in the field of child abuse if the information to be released does not identify or reasonably tend to identify alleged abusers or the parties alleged to have been abused.

Upon approval of the completed State Department of Public Welfare Form 116, "Application for Child Abuse Research," the Administrator of the State Department shall authorize the appropriate county department to disclose copies of materials from case records to a qualifying individual engaged in a good faith research project if in the opinion of the Administrator the copies to be released do not identify or reasonably tend to identify the parties involved in the case and the information is not the subject of pending litigation.

A "good faith research project" as used in this regulation shall consist of research conducted for and to be utilized for the purpose of furthering the aims of child abuse prevention or furthering the aim of providing better social, psychological or medical treatment to the victims and the perpetrators of child abuse.

A "qualifying individual" as used in this regulation shall include a bona fide professional, or a bona fide student at an accredited college or university who is practicing or majoring in certain academic areas which have an interest in child welfare. Examples include but are not limited to the fields of sociology, psychology, law, criminology, health education, medicine and child development.

IC 12-1-2-2 *[IC 12-1 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.]*
IC 12-1-2-3 *[IC 12-1 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.]*
IC 31-5.5-3-18 *[Repealed by Acts 1979, P.L.276, SECTION 60.] (Division of Family and Children; Reg 3-512; filed Oct 10, 1979, 3:21 pm: 2 IR 1565; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

Rule 8. Confidentiality of Reports or Other Information Concerning Child Abuse or Neglect

470 IAC 3-8-1 Confidentiality of all reports and information concerning child abuse or neglect; release upon written request (Expired)

Sec. 1. *(Expired under IC 4-22-2.5, effective January 1, 2002.)*

Rule 9. Adoption Assistance; Foster Care Assistance; Incorporations by Reference, Titles IV(B) and (E) of the Social Security Act

470 IAC 3-9-1 Public Law 96-272; acceptance

Authority: IC 12-13-2-3; IC 12-13-5-3
Affected: IC 31-3-1

Sec. 1. Acceptance of P.L.96-272 Provisions. The State of Indiana hereby accepts the provisions of Federal Law 96-272, the "Adoption Assistance and Child Welfare Act of 1980" and all federal rules and regulations hereinafter promulgated thereunder.
IC 12-1-2-3 *[IC 12-1 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.]*
IC 12-1-2-9 *[IC 12-1 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.] (Division of Family and Children; 470 IAC 3-9-1; filed Jun 17, 1982, 4:13 pm: 5 IR 1603; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-9-2 Goal; maximum duration of foster care period before placement

Authority: IC 12-13-2-3; IC 12-13-5-3
Affected: IC 31-3-1

Sec. 2. (a) Federal legislation requires each state to establish foster care goals for each fiscal year. These goals pertain to the number of children receiving Title IV(E)-Foster Care Assistance who will remain in foster care for more than two (2) years as compared to the total number of children receiving Title IV(E)-Foster Care. This relationship is a percentage.

(b) The percentage of children receiving Title IV(E)-Foster Care Assistance, pursuant to 42 U.S.C. 670, et seq., who will remain in foster care in excess of twenty-four (24) months commencing with the federal fiscal year beginning October 1, 1988, shall be twenty-two percent (22%). For each subsequent federal fiscal year until September 30, 1993, this percentage shall be further reduced annually by three-tenths of one percent (.3%). *(Division of Family and Children; 470 IAC 3-9-2; filed Jul 27, 1982, 3:43*

p.m.: 5 IR 1826; filed Aug 26, 1983, 2:30 p.m.: 6 IR 1904; filed Sep 15, 1986, 9:45 a.m.: 10 IR 222; filed Dec 15, 1989, 11:45 a.m.: 13 IR 878; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-9-3 Case plan and case review
Authority: IC 12-13-2-3; IC 12-13-5-3
Affected: IC 31-3-1

Sec. 3. (a) A case plan, case review and statewide information (tracking) system, as defined and required by the Adoption Assistance and Child Welfare Act of 1980, 42 U.S.C. 670, et seq., shall be required for all children in a substitute care placement under the court-authorized supervision of the county welfare departments. Such case plans, case reviews and statewide information (tracking) system is also to be implemented for all county departments of public welfare wards remaining in their own homes.

(b) That the above-incorporation by reference of 42 U.S.C. 670, et seq. does not include any subsequent amendments or editions thereto.

IC 12-1-3(c) *[IC 12-1 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.] (Division of Family and Children; 470 IAC 3-9-3; filed Apr 11, 1983, 10:32 am: 6 IR 916; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

Rule 10. Foster Care and Adoption Assistance Program

470 IAC 3-10-1 Adoption assistance agreement; renewal; modifications; terminations
Authority: IC 12-13-5-1; IC 12-13-5-3
Affected: IC 31-3-3

Sec. 1. (a) As used in this section, "adoption assistance agreement" means a written agreement, binding on the parties to the agreement, among the county department of public welfare, other relevant agencies, and the prospective adoptive parent or parents of a minor child which at a minimum does the following:

(1) Specifies the nature and amount of any payments, services, and assistance to be provided under such agreement.

(2) Stipulates that the agreement shall remain in effect regardless of the state of which the adoptive parent or parents are residents at any given time.

(b) The adoption assistance agreement shall be signed by the county director of public welfare. The adoption assistance agreement may be reviewed at the request of the adoptive parent or parents or the county department of public welfare.

(c) The adoption assistance agreement may be renewed with any adjustment that the circumstances may warrant.

(d) The adoption assistance agreement may be modified, amended, rescinded, or canceled at any time by mutual agreement in writing.

(e) The adoptive parent or parents shall notify the county department of public welfare or ensure that the county department of public welfare is notified, in writing, when:

(1) the adoptive parent or parents are no longer legally responsible for the support of the child;

(2) the child no longer receives financial support from the adoptive parent or parents; or

(3) there is any change in the family's or child's circumstances which would render the child ineligible or eligible for assistance payments in a different amount.

(f) The adoption assistance agreement shall terminate upon fulfillment of the terms of the agreement or when the county department of public welfare determines that:

(1) the child has attained the age of eighteen (18) or, where the county department of public welfare determines the child has a mental or physical handicap which warrants continuation of assistance, the age of twenty-one (21);

(2) the adoptive parent or parents are no longer legally responsible for the support of the child; or

(3) the child is no longer receiving any support from the adoptive parent or parents.

(Division of Family and Children; Title 3, Ch 7, Reg 3-704; filed Aug 31, 1982, 1:37 p.m.: 5 IR 2224; filed Aug 26, 1987, 11:00 a.m.: 11 IR 82; filed Aug 9, 1991, 11:00 a.m.: 14 IR 2228; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Aug 31, 2001, 9:47 a.m.: 25 IR 202)

470 IAC 3-10-2 Special needs child; criteria
Authority: IC 12-13-5-1; IC 12-13-5-3
Affected: IC 31-19-11; IC 31-19-27; IC 31-19-28; IC 31-35

Sec. 2. A child shall be considered to be a special needs child, under the Indiana adoption assistance program, if the child meets each of the following criteria:

(1) The county office of family and children has determined that the child cannot or should not be returned to the home of the child's parent or parents and that the parent or parents have signed or will sign a consent to adoption regarding the child or that parental rights have been or will be terminated by a court in accordance with IC 31-35.

(2) One (1) of the following conditions exists:

(A) The child is two (2) years of age or older.

(B) The child is a member of a sibling group of two (2) or more children of which at least one (1) is two (2) years of age or older and who will be placed with the sibling group in the same home.

(C) The child has a medical condition or physical, mental, or emotional disability as determined by a physician licensed to practice in Indiana or another state or territory.

(3) Reasonable but unsuccessful efforts must be made to place the child in an appropriate adoptive home without providing adoption assistance. Reasonable efforts include, but are not limited to, the following:

(A) Photo listing the child with the Indiana adoption resource exchange for a minimum of six (6) months.

(B) Inability to recruit appropriate, interested adoptive parent or parents who are able to meet the child's needs without the use of adoption assistance.

Reasonable efforts need not be made to place the child without adoption assistance if to do so would be against the best interests of the child because of such factors as the existence of significant emotional ties with prospective adoptive parents while in the care of such parents as a foster child.

(Division of Family and Children; Title 3, Ch 7, Reg 3-705; filed Aug 31, 1982, 1:37 p.m.: 5 IR 2224; filed Aug 26, 1987, 11:00 a.m.: 11 IR 83; filed Aug 9, 1991, 11:00 a.m.: 14 IR 2229; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Aug 31, 2001, 9:47 a.m.: 25 IR 189)

470 IAC 3-10-3 Adoption assistance payments
Authority: IC 12-13-5-1; IC 12-13-5-3
Affected: IC 31-19

Sec. 3. (a) The amount of the adoption assistance shall not exceed the minimum per diem paid by any county department of public welfare in Indiana or seventy-five percent (75%) of the per diem paid by the placing county department of public welfare, whichever is greater.

(b) In the instance of a child placed under the custody of a local county welfare department, the per diem amount used to compute the payment shall be the foster home care per diem established by the county in which the department is located.

(c) If the eligible child is placed adoptively by a licensed child placing agency or through an independent adoptive placement, the foster home care per diem established by the county in which the child is adoptively placed shall be used to compute the payment. If the child is placed out-of-state in an adoptive home by a licensed child placing agency, the foster home care per diem established by the county where the placing agency is located shall be used.

(d) All applications for adoption assistance shall be acted upon by the county director of public welfare within forty-five (45) days from the date of application unless there are unusual or extenuating circumstances. If a child is eligible, financial assistance shall become effective no later than thirty (30) days from the date of application or as soon as the agreement for adoption assistance has been signed and the child is placed in the adoptive home unless there are unusual and extenuating circumstances. All monetary awards shall be due and payable on the first day of the month following the placement of the child in the adoptive home or date of the final decree of adoption. Payment shall be within the maximums as set out in this rule provided an adoption assistance agreement has been signed by the county director and the adopting parent or parents at the time the child is placed in the adoptive home but prior to the final decree of adoption.

(e) The effective date of adoption assistance payments shall not be prior to October 1, 1982.

(f) Adoption assistance payments shall not be made for a child whose adoption was legally finalized prior to October 1, 1982.

(Division of Family and Children; Title 3, Ch 7, Reg 3-706; filed Aug 31, 1982, 1:37 p.m.: 5 IR 2225; filed Aug 26, 1987, 11:00 a.m.: 11 IR 84; filed Aug 9, 1991, 11:00 a.m.: 14 IR 2229; errata filed Sep 25, 1991, 9:00 a.m.: 15 IR 110; filed Jul 28, 1997, 1:25 p.m.: 20 IR 3365; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Aug 31, 2001, 9:47 a.m.: 25 IR 202)

470 IAC 3-10-4 Title IVE; appeals (Repealed)

Sec. 4. *(Repealed by Division of Family and Children; filed May 22, 1987, 12:45 pm: 10 IR 2284, eff Jul 1, 1987)*

470 IAC 3-10-5 Title IVE; medicaid: adoption assistance program, foster care
Authority: IC 12-13-5-3
Affected: IC 31-3-3

Sec. 5. (a) Medicaid eligibility for the adoption assistance child shall become effective from the date of application.

(b) Medicaid services shall not be interrupted for the child who is a recipient of AFDC at the time of placement and found eligible for Title IVE-FC payments. The Medicaid effective date for the child who is a non-recipient of AFDC at the time of placement shall be the same as the effective date of the Title IVE-FC award.

(c) Under the Title IVE-FC program, the child age 18 to 21 shall not be eligible for Medicaid.

IC 12-1-2-3 *[IC 12-1 was repealed by P.L.2-1992, SECTION 987, effective February 14, 1992.]*
IC 12-1-2-9 *[IC 12-1 was repealed by P.L.2-1992, SECTION 987, effective February 14, 1992.]*
Federal Public Law 96-272 *(Division of Family and Children; Title 3, Ch 7, Reg 3-708; filed Aug 31, 1982, 1:37 pm: 5 IR 2226; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Aug 31, 2001, 9:47 a.m.: 25 IR 202)*

470 IAC 3-10-6 Title IVE; foster care eligibility
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 6. (a) As used in this section, "appropriate local agency" means an Indiana county department of public welfare or its counterpart in another state which is responsible for foster home evaluations for licensure or for studies of homes of nonlegally liable relatives for approval.

(b) As used in this section, "appropriate state agency" means the Indiana state department of public welfare or its counterpart in another state which administers the licensure procedure for residential foster care facilities or foster homes.

(c) As used in this section, "approved home" means the home of a nonlegally liable relative of a IVE-Foster Care child which is evaluated using foster home standards but which is not licensed.

(d) As used in this section, "relative" means a nonlegally liable relative, not a parent, of the relationship found in 42 U.S.C. 606(c).

(e) For purposes of administration of foster care assistance (Title IVE-FC), a child to be eligible for such assistance shall meet the definition of a dependent child under 42 U.S.C. 606(a) or in 42 U.S.C. 607.

(f) A home of other than a relative listed in 42 U.S.C. 606(c) in which a dependent child is living shall be construed to mean a foster family home or nonprofit private child caring institution, or public child caring institution with a capacity for twenty-five (25) or less children licensed by the appropriate state agency as meeting the standards as established for such homes and institutions under IC 12-3-2 *[IC 12-3 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.]* or the comparable law or regulation of those states into which an Indiana child is placed.

(g) Title IVE-FC funds may be used to purchase foster care provided to eligible children in an approved home of a nonlegally liable relative. For such approval, the home must be studied as a foster home by the appropriate local agency or by a private child placing agency licensed by the state.

(h) To receive Title IVE-FC assistance, an otherwise eligible child shall meet the following requirements:

(1) Have been removed from the home of a relative as specified in 42 U.S.C. 606(c) as a result of a decision made by a court having juvenile jurisdiction.

(2) Have received assistance to families with dependent children under the Aid to Families with Dependent Children (AFDC) or Aid to Families with Dependent Children – Unemployed/Underemployed Parent (AFDC-UP) programs in or for the month

in which the court action was initiated or would have received such assistance had application been made for the child.

(3) Be a child who:

(A) was not removed from the home of a relative specified in 42 U.S.C. 606(c), but who had lived with the relative within six (6) months prior to the month in which the court action to remove the child was initiated; and

(B) would have been eligible for assistance to families with dependent children under the AFDC or AFDC-UP program in the relative's home had the relative made application for the child in the month the court action was initiated.

(i) Children who are adjudicated delinquent and meet other Title IVE-FC requirements are eligible for Title IVE-FC payments if the children are not placed in a detention facility, forestry camp, training school, or any other facility operated primarily for the detention of children who are adjudicated to be delinquent.

(j) Deprivation requirements for AFDC children as set out in 42 U.S.C. 606(a) or 42 U.S.C. 607 shall also be met by Title IVE-FC eligible children. The assessment of whether deprivation exists or continues to exist will be made by considering the situation in the home from which the foster care child was removed.

(k) Continuing eligibility of all Title IVE-FC cases shall be redetermined and a home visit made to the child's approved or licensed foster care facility at least once every six (6) months and more often if necessary.

(l) Children age eighteen (18) or older are ineligible for Title IVE-FC payments.

(m) Children placed in nursing homes are ineligible to receive Title IVE-FC funding while in such placement. *(Division of Family and Children; Title 3, Ch 7, Reg 3-720; filed Aug 31, 1982, 1:37 p.m.: 5 IR 2226; filed Mar 1, 1984, 2:31 p.m.: 7 IR 993, eff Apr 1, 1984; filed Aug 26, 1987, 11:00 a.m.: 11 IR 84; filed Aug 9, 1991, 11:00 a.m.: 14 IR 2230; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Aug 31, 2001, 9:47 a.m.: 25 IR 202)*

470 IAC 3-10-7 Title IVE; foster care assistance payments

Authority: IC 12-13-5-1; IC 12-13-5-3
Affected: IC 31-3-3

Sec. 7. (a) The maximum amount of foster care assistance (Title IVE-FC) payments shall be established by the state department of public welfare based upon the costs allowed for "foster care maintenance payments" as defined at 42 U.S.C. 675(4).

(b) The effective date of the initial Title IVE-FC award shall be no earlier than the date of application. Payment shall not be made retroactively. Payment will be made to the foster care facility as soon following placement as payment procedures will permit.

(c) Title IVE-FC funds shall be paid for the eligible child who has been made a ward of the county department of public welfare but placed under the supervision of a licensed child placing agency or probation department by court order provided regular reports are made to the county department by the probation department or licensed child placing agency as agreed upon by the agency and the county department.

(d) The initial determination of financial need of the Title IVE-FC child shall be based upon the following two (2) factors:

(1) The circumstances in the home from which the child was removed during the month in which the court wardship detention hearing or child in need of services (CHINS) adjudication process was initiated.

(2) The circumstances of the child in the current foster placement.

(e) In the determination of continuing eligibility for Title IVE-FC, financial need is based upon any available income in the child's own right. *(Division of Family and Children; Title 3, Ch 7, Reg 3-721; filed Aug 31, 1982, 1:37 p.m.: 5 IR 2227; filed Aug 26, 1987, 11:00 a.m.: 11 IR 86; filed Aug 9, 1991, 11:00 a.m.: 14 IR 2231; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Aug 31, 2001, 9:47 a.m.: 25 IR 202)*

470 IAC 3-10-8 AFDC regulations applicable to foster care assistance

Authority: IC 12-13-5-1; IC 12-13-5-3
Affected: IC 31-3-3

Sec. 8. The Title IVE-FC program will abide by the following regulations pertaining to the AFDC program:

470 IAC 2-1-16– Regular Access Authority to the Department Public Assistance Division Personal Information System

470 IAC 2-4-12 *[470 IAC 2-4-12 was repealed filed Mar 23, 2000, 4:57 p.m.: 23 IR 1999.]*–	Replacement of Lost or Stolen AFDC Warrants
470 IAC 2.1-1-1–	Definitions
470 IAC 2.1-2-1–	Payment for Examinations
470 IAC 2.1-3-1–	Release of Information from County Department Public Assistance Case Records
470 IAC 10.1-1-1–(a) through (k)	Definitions
470 IAC 10.1-1-2–(b), (c)	Applicant and Recipient Responsibilities
470 IAC 10.1-1-3–	Date of Application
470 IAC 10.1-2-1–	Determination of Incapacity
470 IAC 10.1-3-1–	Real and Personal Property Ownership
470 IAC 10.1-3-4–(a), (b), (c), (d), (f)	Determination; Countable Income
470 IAC 10.1-3-5–(1)	Good Cause for Terminating Employment, Reducing Earnings, or Refusing a Bona Fide Offer of Employment
470 IAC 10.1-5-1–	Payment of Assistance
470 IAC 10.1-6-1–	Payment of Burial Expenses

IC 12-1-2-3 *[IC 12-1 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.]*
IC 12-1-2-9 *[IC 12-1 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.]*
42 USC 670 *(Division of Family and Children; Title 3, Ch 7, Reg 3-720; filed Aug 31, 1982, 1:37 pm: 5 IR 2228; filed Mar 1, 1984, 2:31 pm: 7 IR 994, eff Apr 1, 1984; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Aug 31, 2001, 9:47 a.m.: 25 IR 202)*

Rule 10.5. Assisted Guardianship Program

470 IAC 3-10.5-1 Definitions

Authority: IC 12-13-5-1; IC 12-13-5-3; IC 12-14-28-7
Affected: IC 12-7-2-162.5; IC 12-9-6; IC 12-13-1-1; IC 12-14-28-1; IC 12-17-3; IC 12-19-1-1; IC 12-19-1-2; IC 29-3-1-6; IC 31-9-2-117; IC 31-34-21-7; IC 31-34-21-7.5

Sec. 1. (a) The definitions in this section apply throughout this rule.

(b) "Child" means a minor child as defined in 42 U.S.C. 619(2).

(c) "County director" means the director of a county office appointed under IC 12-19-1-2.

(d) "County office" means a county office of family and children established under IC 12-19-1-1 that currently has, or previously had, supervisory authority concerning a child who is or has been a child in need of services under IC 31-34 and who is or may be eligible for assistance under this rule.

(e) "Division" means the division of family and children established by IC 12-13-1-1.

(f) "Family" means a residential household in which a child resides with an adult caretaker relative.

(g) "Guardian" means:

(1) a person described in IC 29-3-1-6 who has been appointed and is acting as guardian for a child; or

(2) a person who meets the conditions and requirements of section 3 of this rule, as determined by the county office.

(h) "Guardianship assistance agreement" means a written agreement signed by a guardian and county director, in a form prescribed by the division, that provides for monthly assistance payments to the guardian on behalf of a child, under the terms and provisions of this rule.

(i) "Permanency plan" means a plan described in IC 31-34-21-7.5 for a child who is a child in need of services that has been approved by a juvenile court pursuant to IC 31-34-21-7.

(j) "Relative" means a person who has a relationship to a child described in IC 12-7-2-162.5, other than a parent. For purposes of this rule, a grandparent may also include a great-grandparent.

(k) "Seriously disabled" means a condition that meets the requirements of 42 U.S.C. § 1382c(a) and 20 CFR 416.901 et seq., for determining blindness or disability as a condition to eligibility for benefits under Title XVI of the Social Security Act, 42 U.S.C. § 1382 et seq. The county office may request assistance from the disability determination bureau established under IC 12-9-6 in determining whether a child is seriously disabled.

(l) "Shelter care facility" means a facility described in IC 31-9-2-117.

(m) "TANF" means financial assistance to eligible recipients that the division provides, or is authorized to provide pursuant to IC 12-14-28 or any applicable provision of the plan submitted to and accepted by the United States Department of Health and Human Services, from funds available to the division through Title IV-A of the Social Security Act, 42 U.S.C. § 601 et seq. *(Division of Family and Children; 470 IAC 3-10.5-1; filed Jun 1, 2000, 11:20 a.m.: 23 IR 2426; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-10.5-2 Eligibility of child

Authority: IC 12-13-5-1; IC 12-13-5-3; IC 12-14-28-7
Affected: IC 12-14-28; IC 12-17-3; IC 31-34-11-2; IC 31-34-20-1; IC 31-34-21-7; IC 31-34-21-7.5

Sec. 2. A child who meets all the following criteria shall be eligible for assistance under this rule:

(1) The child is either:
- (A) not less than thirteen (13) years of age;
- (B) a member of a sibling group at least one (1) of whom is not less than thirteen (13) years of age;
- (C) seriously disabled; or
- (D) approved for legal guardianship as a permanency plan by an order entered by a juvenile court having jurisdiction over the child, if the order finds and states compelling reasons for selecting guardianship as the preferred choice among available permanency plan options.

(2) The child must be residing in the household of an adult caretaker relative of the child.

(3) The gross family income attributable to the child under TANF rules and guidelines must be less than two hundred fifty percent (250%) of the federal poverty level.

(4) The child must have been adjudicated a child in need of services by a juvenile court in Indiana pursuant to IC 31-34-11-2.

(5) The child must have been removed from the child's home and placed in another home or shelter care facility, under supervision of a county office, pursuant to a dispositional decree entered under IC 31-34-20-1.

(6) The child must be residing with a guardian who meets the eligibility requirements specified in section 3 of this rule.

(7) The child must have resided with the guardian in the guardian's home for a continuous period of time not less than six (6) months.

(8) The permanency plan for the child approved by the juvenile court pursuant to IC 31-34-21-7 is appointment of a legal guardian for the child, as provided in IC 31-34-21-7.5(1)(E).

(Division of Family and Children; 470 IAC 3-10.5-2; filed Jun 1, 2000, 11:20 a.m.: 23 IR 2427; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-10.5-3 Eligibility of guardian

Authority: IC 12-13-5-1; IC 12-13-5-3; IC 12-14-28-7
Affected: IC 12-14-28; IC 12-17-3; IC 12-17.4-4; IC 31-34-21-7.5

Sec. 3. A guardian who meets all the following criteria shall be eligible to receive assistance on behalf of a child who is eligible for assistance under section 2 of this rule:

(1) The guardian must be a relative of the child.

(2) The guardian must reside in a home that meets all requirements for licensing as a foster family home under IC 12-17.4-4 and 470 IAC 3-1.

(3) The eligible child must currently reside with the guardian in the home of the guardian.

(4) The eligible child must have resided with the guardian in the guardian's home for a continuous period of time not less than

six (6) months.

(5) The guardian must be primarily responsible for providing for appropriate care, support, maintenance, education, and welfare of the child.

(6) The guardian must meet each of the following criteria, as shown by a home study and evaluation of the guardian and child prepared or approved by a county office:

(A) Have the current and projected continuing ability to provide for the child's physical, mental, emotional, educational, and psychological needs, upon termination of supervision of the child by the division or county office, except for provision of assistance approved under this rule.

(B) Have the continuing ability, willingness, and motivation to access and obtain appropriate services outside the home that are necessary or appropriate for the health, education, development, and well-being of the child and that will assist the child in becoming a self-supporting adult to the maximum extent feasible.

(C) Have established a nurturing, stable relationship with the child in which the child indicates a desire to continue a family relationship and residence with the guardian in the guardian's household.

(D) Have demonstrated the ability to determine and regulate an appropriate level of relationship and ongoing contacts with any parent or other close relative of the child, consistent with the safety and best interests of the child, and in conformance with any plan of visitation ordered or approved by the court in the child in need of services proceeding.

(Division of Family and Children; 470 IAC 3-10.5-3; filed Jun 1, 2000, 11:20 a.m.: 23 IR 2427; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-10.5-4 Guardianship procedures

Authority: IC 12-13-5-1; IC 12-13-5-3
Affected: IC 12-17-3; IC 29-3-5-1; IC 29-3-6-1; IC 31-34-21-7.5

Sec. 4. (a) If the guardian has not previously established a legal guardianship for the child under IC 29-3, the county office having jurisdiction over the child will refer the prospective guardian to the attorney for the county office for the purpose of assisting the guardian in establishing a legal guardianship of the child's person that satisfies all requirements of IC 29-3 and IC 31-34-21-7.5(1)(E).

(b) If the county office has determined that the child and guardian meet all eligibility requirements for assistance as specified in sections 2 and 3 of this rule, the county office may, with the approval of the county director, file a petition under IC 29-3-5-1 for appointment of the guardian as a legal guardian of the child under IC 29-3. The county office may pay all or any designated portion of the legal costs and other expenses of the guardianship proceeding, including the services of the attorney for the county office, reasonably incurred by or on behalf of the guardian in order to establish and maintain the legal guardianship.

(c) The county office shall solicit consent of any parent of the child for establishment of a legal guardianship with assistance provided under this rule, if the parent is identified and can be contacted with reasonable efforts. The county office will document and present to the court in the guardianship proceeding a written report of its efforts to solicit parental consent and the results of those efforts. Consent of an identified parent is not a necessary condition for assistance to a prospective guardian in establishing a legal guardianship, or for provision of financial or other assistance to a child and guardian in accordance with this rule.

(d) The county office shall give notice of the filing of a guardianship petition under this section and any hearing thereon in accordance with IC 29-3-6-1(3). *(Division of Family and Children; 470 IAC 3-10.5-4; filed Jun 1, 2000, 11:20 a.m.: 23 IR 2427; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-10.5-5 Guardianship assistance payments

Authority: IC 12-13-5-1; IC 12-13-5-3; IC 12-14-28-7
Affected: IC 12-14-28; IC 12-19-7; IC 29-3-5; IC 31-34-21-7.5; IC 31-34-21-11

Sec. 5. (a) The division or county office will make monthly payments of financial assistance to a guardian eligible for assistance under section 3 of this rule, on behalf of a child eligible for assistance under section 2 of this rule, subject to all applicable conditions and limitations stated in this rule.

(b) The division or county office will determine the amount of monthly payments to an eligible guardian under subsection (a) based on the needs of the child as determined in accordance with applicable guidelines for financial assistance to families and

children provided through TANF, not exceeding a monthly payment of five hundred twelve dollars ($512) per child.

(c) An approved monthly payment will be payable to the eligible guardian beginning with the month immediately following the month in which the latest of the following events occurs:

(1) Closure by the juvenile court of the child in need of services case of the child for whom the assistance is payable, by order entered pursuant to IC 31-34-21-11 discharging the child.

(2) Appointment of the guardian as a legal guardian of the person of the child, by order entered pursuant to IC 29-3-5.

(d) The guardian shall apply for assistance under this rule to the county office having jurisdiction over the child in the form prescribed by the division. If the application is approved, the guardian and county director must sign a guardianship assistance agreement in the form prescribed by the division.

(e) The county office will review at least annually the eligibility of the guardian and child for continuation of monthly assistance payments. The guardian must provide to the county office any financial and other information requested for purposes of the annual review. The county office may, at the time of and as part of the annual review, redetermine the amount of future monthly assistance payments based on the information provided or obtained by the county office and the applicable TANF guidelines.

(f) The division may pay all or any portion of monthly assistance payments under this rule from funds available to the division through TANF. A county office may pay all or any portion of monthly assistance payments under this rule from the county family and children's fund established under IC 12-19-7, with approval of the division and conditioned on reimbursement of the family and children's fund from funds available to the division through TANF. *(Division of Family and Children; 470 IAC 3-10.5-5; filed Jun 1, 2000, 11:20 a.m.: 23 IR 2428; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-10.5-6 Termination of guardianship assistance payments

Authority: IC 12-13-5-1; IC 12-13-5-3; IC 12-14-28-7
Affected: IC 12-14-28; IC 12-19-7; IC 31-19; IC 31-34-9; IC 31-34-21-7.5

Sec. 6. (a) The division or county office shall terminate any monthly assistance payment and guardianship assistance agreement approved under section 5 of this rule upon occurrence of any of the following events:

(1) The child's attainment of age eighteen (18), except as provided in subsection (c).

(2) Entry of a court order awarding legal custody of the child to a person other than the guardian.

(3) Incarceration of the child in an adult correctional facility pursuant to a sentence and commitment order of a court of competent jurisdiction.

(4) Detention of the child in a juvenile detention center for a period of time of not less than one hundred eighty (180) days, pursuant to an order of a juvenile court having jurisdiction of the child.

(5) Entry of a dispositional decree in a child in need of services proceeding based on events occurring while the child is residing with the guardian and subsequent to the date of approval of the guardianship assistance agreement if the dispositional decree provides for removal of the child from the home of the guardian.

(6) Death of the child.

(7) Adoption of the child by the guardian or any other person under IC 31-19 or the adoption laws of any other state or county.

(8) Termination of the legal guardianship by order of the court having jurisdiction in the guardianship proceeding.

(b) The division or county office may terminate any monthly assistance payment and guardianship assistance agreement approved under section 5 of this rule, upon occurrence of any of the following events:

(1) The child is no longer residing in the home of the guardian.

(2) The guardian has failed to submit to the county office the information required or requested by the county office for the annual review of eligibility and amount of the monthly assistance payment pursuant to section 5(e) of this rule.

(3) The guardian is not providing financial assistance necessary or adequate for the support and maintenance of the child.

(4) The guardian no longer satisfies one (1) or more of the criteria specified in section 3(6) of this rule.

(5) The guardian has failed to maintain medical insurance coverage for the child as required by section 7 of this rule.

(6) The child has been determined to be a child in need of services by an order entered by a juvenile court in a proceeding commenced under IC 31-34-9 after approval of the guardianship assistance agreement.

(7) The household in which the child resides is no longer a qualifying family.

(8) A successor guardian has been appointed for the child in the guardianship proceeding.

(9) The division or county office has determined that appropriated funds are no longer available to support continuation of

monthly assistance payments.

(c) The division or county office may continue monthly assistance payments to the guardian on behalf of the child, or make monthly assistance payments directly to the child, after the child has attained eighteen (18) years of age, if the child has not attained nineteen (19) years of age and is a full-time student in a secondary school (or in the equivalent level of vocational or technical training).

(d) The division or county office shall send notice of termination of assistance under this section by certified mail to the guardian at the guardian's current or last known address. The division or county office shall separately mail a copy of the notice addressed to the child. The notice shall include a statement of the reason or reasons for termination as determined by the county office.

(e) The effective date of termination of a monthly assistance payment and guardianship assistance agreement under this section shall be determined as follows:

(1) If termination is based on an event described in subsection (a), the end of the calendar month in which the event occurred.

(2) If termination is based on a decision by the division or county office pursuant to subsection (b), the end of the first calendar month that ends not less than ten (10) days after the date the notice is mailed to the guardian.

If the guardian or child has received a payment attributable to a month after the effective date of termination, as determined under this subsection, the guardian or child shall be obligated to repay the amount of that payment to the division or county office. *(Division of Family and Children; 470 IAC 3-10.5-6; filed Jun 1, 2000, 11:20 a.m.: 23 IR 2428; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-10.5-7 Medical insurance coverage for child

Authority: IC 12-13-5-1; IC 12-13-5-3
Affected: IC 12-15-2-14; IC 12-17.6-3; IC 12-17.6-4-2

Sec. 7. (a) The guardian shall apply on behalf of the child for any medical insurance or assistance for which the child is eligible under IC 12-15-2-14, IC 12-17.6-3, or any other applicable law that provides financial assistance for medical or health care expenses.

(b) If the child is not eligible for medical insurance or assistance provided through the Indiana Medicaid program or the children's health insurance program (CHIP), the guardian shall obtain private health insurance coverage for the child that provides benefits substantially equivalent to the benefits that would be provided under IC 12-17.6-4-2 if the child were eligible for coverage under IC 12-17.6-3.

(c) Medical insurance coverage must be in effect at the time of approval of the guardianship assistance agreement. The guardian shall provide to the county office satisfactory evidence that the required coverage is in effect.

(d) The guardian must maintain medical insurance coverage for the child, in the manner provided in this section, as a condition to continued eligibility for monthly assistance payments under this rule. *(Division of Family and Children; 470 IAC 3-10.5-7; filed Jun 1, 2000, 11:20 a.m.: 23 IR 2429; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-10.5-8 Other assistance

Authority: IC 12-13-5-1; IC 12-13-5-3
Affected: IC 12-17-3

Sec. 8. (a) The county office will provide to the guardian, at the time the guardianship assistance agreement is approved, information concerning resources that may be available to the guardian or child through the county office or other community agencies, to assist the guardian in providing for the child's physical, mental, psychological, educational, and other needs appropriate to the child's development and transition to adult status and independent living.

(b) The county office will not be responsible for monitoring the guardian's care and supervision of the child during the time the guardianship assistance agreement is in effect, or for providing any services to the child, except as provided in this rule or in the agreement. *(Division of Family and Children; 470 IAC 3-10.5-8; filed Jun 1, 2000, 11:20 a.m.: 23 IR 2429; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-10.5-9 Child support
Authority: IC 12-13-5-1; IC 12-13-5-3
Affected: IC 12-14-7; IC 12-17-2

Sec. 9. (a) As a condition to receipt of a monthly assistance payment under this rule, the guardian shall assign to the division or county office any right that the guardian may have, on behalf of the guardian, eligible child, or any other family member residing in the guardian's household, to receive child support payments from a noncustodial parent for the benefit of the child in accordance with all applicable requirements of 42 U.S.C. § 608(a)(3), IC 12-14-7, and any rules or regulations implementing those requirements.

(b) The guardianship assistance agreement may include a provision by which the guardian assigns child support rights to the division or county office as provided in this section.

(c) All amounts received by the division through the Indiana statewide child support enforcement system administered pursuant to IC 12-17-2 as payment of a current or accrued child support obligation or arrearage, on behalf of the child for whom monthly assistance payments are made under this rule, shall be distributed in accordance with 42 U.S.C. § 657 and any applicable federal regulations, subject to the requirements of any court order in effect relating to payment of support on behalf of the child. *(Division of Family and Children; 470 IAC 3-10.5-9; filed Jun 1, 2000, 11:20 a.m.: 23 IR 2430; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-10.5-10 TANF reporting
Authority: IC 12-13-5-1; IC 12-13-5-3
Affected: IC 12-14-28

Sec. 10. (a) The county office that approves the guardianship assistance agreement shall be responsible for collecting, assembling, and reporting to the division, in the form prescribed by the division, all data and information needed for preparation of any report that the division is required to submit to the federal Department of Health and Human Services pursuant to 42 U.S.C. § 611 and 45 CFR 265, with respect to monthly assistance payments made from funds provided to the division through TANF.

(b) The guardian shall cooperate with the county office and provide all information that the guardian possesses, as needed and requested by the county office to facilitate compliance with this section. *(Division of Family and Children; 470 IAC 3-10.5-10; filed Jun 1, 2000, 11:20 a.m.: 23 IR 2430; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-10.5-11 Guardianship administration
Authority: IC 12-13-5-1; IC 12-13-5-3
Affected: IC 29-3-6-1; IC 31-34-21-7.5

Sec. 11. (a) The guardian receiving assistance under this rule on behalf of an eligible child shall be responsible for compliance with all duties and responsibilities of a legal guardian under any applicable provision of IC 29-3, including filing with the court having jurisdiction over the guardianship of any required pleadings, reports, documents, or accounts with respect to the guardianship estate.

(b) Except as provided in section 4 of this rule, the guardian shall give notice of all hearings in the guardianship proceedings as required by IC 29-3-6-1, including notice to the county office during any time that a guardianship assistance agreement is in effect.

(c) The division or county office shall have no responsibility for administration of the guardianship, accounting to the child or court for any activities of the guardian, or disposition of the proceeds of monthly assistance payments made to the guardian on behalf of the child. *(Division of Family and Children; 470 IAC 3-10.5-11; filed Jun 1, 2000, 11:20 a.m.: 23 IR 2430; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-10.5-12 Administrative appeals
Authority: IC 12-13-5-1; IC 12-13-5-3
Affected: IC 12-13; IC 12-14-28; IC 31-34-21-7.5

Sec. 12. An applicant for assistance under this rule or a guardian or child who has received assistance in accordance with a

guardianship assistance agreement may appeal any decision of the division or county office denying the application, establishing or modifying the amount of monthly assistance payments, or terminating monthly assistance payments in accordance with applicable provisions of 470 IAC 1-4. *(Division of Family and Children; 470 IAC 3-10.5-12; filed Jun 1, 2000, 11:20 a.m.: 23 IR 2430; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-10.5-13 Local guardianship assistance program

Authority: IC 12-13-5-1; IC 12-13-5-3
Affected: IC 12-17-3; IC 12-19-7; IC 31-34-21-7.5

Sec. 13. (a) A county office may, with the approval of the juvenile court in the county, establish and operate a local program for financial assistance to a guardianship established as a permanency plan for a child in need of services pursuant to IC 31-34-21-7.5(1)(E), supplemental to the assisted guardianship program established under this rule and financed through any funds appropriated for that purpose by the county fiscal body.

(b) A local program established in accordance with this section shall be evidenced by a written plan containing eligibility standards and assistance guidelines that is approved by the county director and juvenile court.

(c) A copy of the local program plan shall be submitted to the division. The director of the division may request any modification of the plan that, in the opinion of the director, is necessary to prevent any conflict with the program established under this rule. *(Division of Family and Children; 470 IAC 3-10.5-13; filed Jun 1, 2000, 11:20 a.m.: 23 IR 2430; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

Rule 11. Children's Homes and Child Caring Institutions

470 IAC 3-11-1 Applicability

Authority: IC 12-13-5-3; IC 12-17.4-2-4
Affected: IC 12-17.4

Sec. 1. (a) This rule applies to all child caring institutions which are licensed by the SDPW as institutions caring for more than ten (10) children.

(b) A licensee caring for more than ten (10) children may be issued and hold one (1) of the following combinations of licenses concurrently as a single facility:

(1) A license to operate an institution under this rule.
(2) A license to operate an emergency shelter care under 470 IAC 3-12.
(3) A license to operate an institution under this rule and a license to operate an emergency shelter care under 470 IAC 3-12.
(4) A license to operate an institution under this rule and a license to operate a private secure facility under 470 IAC 3-13.
(5) A license to operate an institution under this rule and a license to operate an emergency shelter care under 470 IAC 3-12 and a license to operate a private secure facility under 470 IAC 3-13.

(Division of Family and Children; 470 IAC 3-11-1; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1959; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-11-2 "Administrator" defined

Authority: IC 12-13-5-3; IC 12-17.4-2-4
Affected: IC 12-17.4

Sec. 2. As used in this rule, "administrator" means the person designated by the governing body and responsible for the general management and administration of the child caring institution. *(Division of Family and Children; 470 IAC 3-11-2; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1959; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-3 "Admission" defined

Authority: IC 12-13-5-3; IC 12-17.4-2-4
Affected: IC 12-17.4

Sec. 3. As used in this rule, "admission" means the process of entering a child in a child caring institution. *(Division of Family and Children; 470 IAC 3-11-3; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1959; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-4 "Application" defined
Authority: IC 12-13-5-3; IC 12-17.4-2-4
Affected: IC 12-17.4

Sec. 4. As used in this rule, "application" means the forms and methods by the SDPW to gather information about and document the intent to operate a child caring institution. The application includes the completion of the appropriate SDPW form, a signed, notarized criminal history affidavit, a financial statement, and any requests for waivers or variances from the agency. *(Division of Family and Children; 470 IAC 3-11-4; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1959; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-5 "Children's home" or "child caring institution" defined
Authority: IC 12-13-5-3; IC 12-17.4-2-4
Affected: IC 12-17.4

Sec. 5. As used in this rule, "children's home" or "child caring institution" means a children's home, an orphanage, an institution, a shelter care facility, a private secure facility, or other place maintained or conducted by any group of individuals, or political subdivision engaged in:
(1) receiving and caring for dependent children, children in need of services, or delinquent children; or
(2) operating for gain a private business of boarding children who are unattended by a parent, guardian, or custodian.
(Division of Family and Children; 470 IAC 3-11-5; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1959; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-11-6 "Communicable disease" defined
Authority: IC 12-13-5-3; IC 12-17.4-2-4
Affected: IC 12-17.4

Sec. 6. As used in this rule, "communicable disease" means an illness due to an infectious agent or its toxic products which is transmitted directly or indirectly to a well person from an infected person, animal, or arthropod, or through the agency of an intermediate host, vector, or the inanimate environment. *(Division of Family and Children; 470 IAC 3-11-6; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1960; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-7 "Confinement room" defined
Authority: IC 12-13-5-3; IC 12-17.4-2-4
Affected: IC 12-17.4

Sec. 7. As used in this rule, "confinement room" means a locked room which is used for the exclusive purpose of isolating a child in order to help the child control his or her behavior. *(Division of Family and Children; 470 IAC 3-11-7; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1960; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-8 "Corporal punishment" defined
Authority: IC 12-13-5-3; IC 12-17.4-2-4
Affected: IC 12-17.4

Sec. 8. As used in this rule, "corporal punishment" means any kind of punishment inflicted upon the body. Corporal punishment includes, but is not limited to, slapping, hitting, spanking, pinching, and pushing. *(Division of Family and Children; 470 IAC 3-11-8; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1960; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-9 "Emergency shelter" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 9. As used in this rule, "emergency shelter" means a short term place of residence, other than a secure facility that:
(1) is not locked to prevent a child's departure unless the administrator determines that locking is necessary to protect the child's health; and
(2) provides twenty-four (24) hours a day temporary care for not more than sixty (60) consecutive days to an individual child six (6) years of age or older admitted on an emergency basis.
(Division of Family and Children; 470 IAC 3-11-9; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1960; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-11-10 "Food service" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 10. As used in this rule, "food service" means the preparation and serving of meals and snacks. *(Division of Family and Children; 470 IAC 3-11-10; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1960; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-11 "FPBSC" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 11. As used in this rule, "FPBSC" means the fire prevention and building safety commission. *(Division of Family and Children; 470 IAC 3-11-11; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1960; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-12 "Governing body" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 12. As used in this rule, "governing body" means the person, or group of persons, which has the ultimate administrative, fiscal, and managerial control of a child caring institution. *(Division of Family and Children; 470 IAC 3-11-12; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1960; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-13 "Group home" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 13. As used in this rule, "group home" means a type of child caring institution licensed for ten (10) or fewer children, six (6) years of age or older, who are apart from their parents or guardian on a twenty-four (24) hour a day basis and who have demonstrated the ability to follow direction and take appropriate action for self-preservation. *(Division of Family and Children; 470 IAC 3-11-13; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1960; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-14 "Institution" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 14. As used in this rule, "institution" means a type of child caring institution licensed for more than ten (10) children. Nothing in this rule or 470 IAC 3-12 shall preclude an institution caring for ten (10) or less children from being licensed under this rule or 470 IAC 3-12. *(Division of Family and Children; 470 IAC 3-11-14; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1960; readopted*

filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-11-15 "License" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 15. As used in this rule, "license" means a document authorizing the operation of a child caring institution at a specific address, the number of children which may be cared for, the age range and gender of the children, and the expiration date of the authorization. *(Division of Family and Children; 470 IAC 3-11-15; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1960; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-16 "Living unit" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 16. As used in this rule, "living unit" means the building or part of a building which contains separate living, sleeping, and sanitation facilities for a group of children who eat, sleep, and have some of their daily activities apart from other groups of children. *(Division of Family and Children; 470 IAC 3-11-16; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1961; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-17 "Mechanical restraints" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 17. As used in this rule, "mechanical restraints" means any objects that restrict a child's mobility or ability to use his/her hands, arms, or legs. Medical and therapeutic equipment for the prevention and treatment of physical injury that are used and applied by order of a licensed physician are not mechanical restraints. *(Division of Family and Children; 470 IAC 3-11-17; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1961; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-18 "Needs assessment" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 18. As used in this rule, "needs assessment" means a written study which documents that the specific services offered by a child caring institution will be used by referral sources within the geographic area to be served. *(Division of Family and Children; 470 IAC 3-11-18; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1961; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-19 "Parent agency" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 19. As used in this rule, "parent agency" means the agency or governmental unit which has the administrative, supervisory, and service responsibility for the child caring institution. *(Division of Family and Children; 470 IAC 3-11-19; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1961; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-20 "Placing agency" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 20. As used in this rule, "placing agency" means a county department of public welfare, a juvenile probation department,

or a child placing agency, as defined in IC 12-3-2-5 *[IC 12-3 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.]*, who places a child into a child caring institution. *(Division of Family and Children; 470 IAC 3-11-20; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1961; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-21 "Placing parent or guardian" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 21. As used in this rule, "placing parent or guardian" means a person who places his or her child into a child caring institution when the child is not a ward of the county or court. *(Division of Family and Children; 470 IAC 3-11-21; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1961; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-22 "Private secure facility" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 22. (a) As used in this rule, "private secure facility" means a locked living unit of an institution for gravely disabled children with chronic behavior that harms themselves or others.

(b) Locked detention or locked isolation rooms do not constitute a private secure facility. *(Division of Family and Children; 470 IAC 3-11-22; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1961; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-23 "Program director" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 23. As used in this rule, "program director" means the staff person responsible for the development, implementation, and supervision of the treatment programs. *(Division of Family and Children; 470 IAC 3-11-23; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1961; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-24 "Provisional license" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 24. As used in this rule, "provisional license" means a license issued to a child caring institution which is temporarily unable to conform to all rules of the SDPW. *(Division of Family and Children; 470 IAC 3-11-24; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1961; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-25 "Psychotropic medication" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 25. As used in this rule, "psychotropic medication" means a drug or substance which exerts an effect upon the mind and is capable of modifying mental activity. *(Division of Family and Children; 470 IAC 3-11-25; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1961; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-26 "SBH" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 26. As used in this rule, "SBH" means the Indiana state board of health. *(Division of Family and Children; 470 IAC 3-11-*

26; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1962; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-11-27 "SDPW" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 27. As used in this rule, "SDPW" means the state department of public welfare. *(Division of Family and Children; 470 IAC 3-11-27; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1962; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-28 "SFM" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 28. As used in this rule, "SFM" means the office of the state fire marshal. *(Division of Family and Children; 470 IAC 3-11-28; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1962; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-29 "Staff development" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 29. As used in this rule, "staff development" means an ongoing educational process to enhance skills which relate to current employment. It may include, but is not limited to, workshops, reading, formal training, films, training by supervisors or consultants, and may be in subject areas such as child care, child development, emergency and first aid procedures, and behavior management. *(Division of Family and Children; 470 IAC 3-11-29; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1962; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-30 "Treatment plan" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 30. As used in this rule, "treatment plan" means a goal-oriented, time-limited, individualized program of action for a child and his or her family, developed by the child caring institution in cooperation with the placing agency and the family. *(Division of Family and Children; 470 IAC 3-11-30; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1962; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-31 "Variance" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 31. As used in this rule, "variance" means official permission granted by the SDPW to meet the intent of a specific rule in a way other than specified by the rule. *(Division of Family and Children; 470 IAC 3-11-31; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1962; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-32 "Waiver" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 32. As used in this rule, "waiver" means official permission granted by the SDPW not to meet a specific regulation. *(Division of Family and Children; 470 IAC 3-11-32; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1962; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-33 Licensing procedures
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 33. (a) The licensee shall submit a separate application for each license required.
(b) An application for a license to operate a child caring institution shall be submitted to the SDPW by the administrator or other person designated by the governing body on forms provided for that purpose by the SDPW.
(c) An application for renewal of licensure shall be submitted annually to the SDPW by a child caring institution which wishes to have its license renewed.
(d) A new child caring institution shall receive a six (6) month provisional license for its initial licensure to permit evaluation of the program by the SDPW.
(e) A child caring institution shall not care for children under the age of six (6) years.
(f) The license shall be posted in a conspicuous place in the child caring institution. *(Division of Family and Children; 470 IAC 3-11-33; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1962; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-34 Termination of license
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 34. (a) A license shall be terminated and a new application required whenever:
(1) the name of the licensee changes;
(2) the type of child caring institution changes;
(3) the address of the child caring institution changes; or
(4) the capacity, age range, or gender of children served changes.
(b) A license shall be terminated whenever the child caring institution closes. *(Division of Family and Children; 470 IAC 3-11-34; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1962; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-35 Waivers and variances
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 35. (a) The child caring institution shall submit a written request to SDPW for a waiver or variance as follows:
(1) For a waiver, the written request shall show documentation that compliance will create an undue hardship on the applicant.
(2) For a variance, the written request shall show documentation of the need and the alternate method of compliance.
(b) The SDPW shall review the written request based on but not limited to the following:
(1) On-site review, if applicable.
(2) Written documentation.
(3) Review of the requests by SDPW field consultants and administration.
(4) If applicable, SBH review and FPBSC approval as required under 675 IAC 12.
(c) The SDPW shall provide, within ninety (90) days of the receipt of the written request, a written response of denial or approval.
(d) All decisions will be based on the best interests of the children in care and will not be adverse to their health, safety, or welfare. *(Division of Family and Children; 470 IAC 3-11-35; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1963; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-36 Reporting requirements
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 36. (a) The child caring institution shall report the following changes or events to the SDPW prior to occurrence:

(1) Change in licensed capacity.
(2) Major alterations or changes in buildings or in use of rooms.
(3) Addition or termination of program services offered.
(4) Changes in administrative personnel.
(5) Termination of services.
(6) Changes in discipline policies.
(7) Changes in confinement room policies, if applicable.
(b) The child caring institution shall report the following changes or events immediately upon occurrence:
(1) A fire on the premises of the child caring institution.
(2) Death or serious injury requiring treatment of a child in a hospital or emergency care facility.
(3) Any communicable disease requiring hospitalization of a child.
(4) Any suspected or known incidents or evidence of child abuse or neglect. Such a report does not replace any other duty as required under IC 31-6-11 *[IC 31-6 was repealed by P.L.1-1997, SECTION 157, effective July 1, 1997.]*.
(5) A court ordered placement that results in an excess in the number of children authorized by the license.
(Division of Family and Children; 470 IAC 3-11-36; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1963; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-11-37 Plan of operation
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 37. (a) Prior to initial licensure, the child caring institution shall submit to the SDPW the following documentation:
(1) Needs assessment.
(2) Purpose of child caring institution.
(3) Ages, gender, and type of children to be served.
(4) Location of child caring institution and geographic area from which children will be received.
(5) Type of buildings.
(6) Financial information regarding the following:
(A) New construction and maintenance of building.
(B) Operation of the child caring institution and child care program.
(C) Sources of income and fundraising methods.
(7) Program design for the children as follows:
(A) Emotional and social development.
(B) Education.
(C) Work program.
(D) Recreation.
(E) Nutrition.
(F) Medical and dental care.
(G) Clothing.
(H) Family involvement.
(I) Discipline.
(8) Administration is to include the following:
(A) Identification of the governing body or members of the board of directors including full name, address, and occupation of each.
(B) A plan for staffing including number and types of positions anticipated, job descriptions, and qualifications.
(b) The child caring institution shall operate in accordance with the written plan of operation. *(Division of Family and Children; 470 IAC 3-11-37; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1963; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-38 Governing body
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 38. (a) The child caring institution shall have a governing body which exercises authority over, and has responsibility for, the operation, policy, and practices of the facility.

(b) Employees, including the administrator, shall not constitute a majority membership in the governing body. *(Division of Family and Children; 470 IAC 3-11-38; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1964; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-39 Financial resources; accounting; insurance
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 39. (a) The child caring institution shall maintain financial resources to meet the rules established by the SDPW. The child caring institution shall document these resources and make such documentation available to the SDPW upon request.

(b) A new child caring institution shall certify that funds are available for the first three (3) months of operation.

(c) The child caring institution shall prepare an annual budget showing income according to sources and estimated expenditures classified according to the following:

(1) Salaries.
(2) Food.
(3) Clothing.
(4) Child development and child care program.
(5) Fixed expenses.
(6) Maintenance, repair, and replacement of furnishings and equipment.

(d) The child caring institution shall have an annual audit or financial review of all accounts by a certified public accountant appointed by the governing body. This accountant may not be a member of the governing body nor be an employee of a member of the governing body.

(e) Governmentally operated child caring institutions shall comply with any auditing requirements of the state of Indiana.

(f) The treasurer, administrator, and any other persons handling funds shall be bonded.

(g) Any child caring institution, which is not governmentally operated, shall carry insurance which includes the following:

(1) Public liability.
(2) Worker's compensation.
(3) Fire and disaster insurance on the property.

(h) The child caring institution shall carry or require staff to carry automobile liability and property damage insurance if the child caring institution uses an automobile, whether it is owned by the child caring institution, an employee, or a volunteer. *(Division of Family and Children; 470 IAC 3-11-39; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1964; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-40 Admission
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 40. (a) Admission policies shall be clearly defined and stated in writing.

(b) The child caring institution shall obtain, prior to admission of a child, information about the child and family circumstances to determine whether care in the child caring institution is in the best interest of the child. *(Division of Family and Children; 470 IAC 3-11-40; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1964; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-41 Placement agreement
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 41. The child caring institution shall have a written placement agreement with the placing agency or placing parent or guardian which includes at least the following:
(1) Authorization to care for the child.
(2) Provision for treatment plan reviews.
(3) Financial plan for payment of care and services covered.
(4) Permission for the child caring institution to seek routine and emergency medical, surgical, and hospital care.
(Division of Family and Children; 470 IAC 3-11-41; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1964; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-11-42 Personnel policies
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 42. (a) The child caring institution shall establish and follow written policies regarding employment, compensation, and terms and conditions of work. The written personnel policies shall be made available and known to each employee at the time of employment.
(b) The qualifications, duties, responsibilities, and authority of each person shall be defined and stated in writing.
(c) The child caring institution shall maintain an organizational chart.
(d) The child caring institution shall inform staff of the rules for child caring institutions and written operating policies, and shall make these documents available to staff for review.
(e) Each employee, including the administrator, shall receive a written evaluation of individual performance at least annually.
(Division of Family and Children; 470 IAC 3-11-42; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1964; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-11-43 Record keeping; general
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 43. (a) The child caring institution shall make all records pertaining to personnel and children in care available for SDPW, SBH, and SFM review.
(b) The child caring institution shall make medical records of children and staff available for SDPW and SBH review.
(c) Children's records shall be available only to the child, the placing agency, parent, guardian, or any of their written designees in addition to SDPW, SBH, and SFM. The local school corporation shall have access to children's records to the extent necessary to provide educational services and only in compliance with statutory requirements regarding confidentiality and access.
(Division of Family and Children; 470 IAC 3-11-43; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1965; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-11-44 Personnel records
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 44. (a) The child caring institution shall establish and maintain an individual record for each staff member.
(b) The record shall include the following information prior to employment:
(1) Application.
(2) Name, address, and telephone number.
(3) Name, address, and telephone number of the person to be notified in the event of an emergency.

(4) Documentation of training, education, experience, and any other required qualifications.
(5) Reference notes or reports, with evaluations of ability, character, and suitability for working with children.
(6) Signed, notarized criminal history affidavit.
(c) The record shall include the following information after employment:
(1) Documentation of initial physical examination and results of Mantoux tuberculin testing.
(2) Annual report of Mantoux tuberculin test results.
(3) Annual evaluation of employee's performance.
(4) Documentation of workshops or training sessions attended and of courses of study successfully completed.
(5) Dates of employment and termination with any reason for termination.
(6) Copies of any incident report involving the staff member.
(Division of Family and Children; 470 IAC 3-11-44; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1965; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-11-45 Volunteer records
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 45. The child caring institution shall maintain a record of the following information for each volunteer:
(1) Name, address, and telephone number.
(2) Name, address, and telephone number of the person to be notified in the event of an emergency.
(3) Documentation of reference with an evaluation of the following:
(A) Ability, character, and suitability for working with children.
(B) Orientation and training, as required under section 54 of this rule.
(4) Documentation of initial physical examination and annual Mantoux tuberculin testing, if working in food service, or if having direct contact with children.
(Division of Family and Children; 470 IAC 3-11-45; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1965; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-11-46 Child's records
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 46. (a) The child caring institution shall maintain a record of the following information for each child admitted:
(1) Name.
(2) Sex.
(3) Date of birth.
(4) Name, address, and marital status of both parents.
(5) Name, age, and address of child's brothers and sisters, step or half-brothers and sisters, and near relatives.
(6) Religious information necessary to provide appropriate services.
(7) Information upon which the admission decision was based.
(8) Name of agencies which have had contact with the child and the family and dates of contacts.
(9) Name and address of person or placing agency requesting admission.
(10) Date of admission.
(11) Written agreement with the placing agency or person.
(12) A copy of the court order or other document authorizing placement of the child in the child caring institution.
(13) SDPW case plan, if applicable.
(14) Initial assessment of child and family and resulting treatment plan.
(15) Written quarterly progress reports and six (6) month treatment plan revisions.
(16) Documentation of efforts to provide services to the child's family.
(17) Documentation of any discipline of a child which results in an injury.

(18) School report, including teachers' evaluation of child's progress.

(19) Report by any specialist, such as psychiatrist or psychologist, if applicable.

(20) Discharge information required under section 67 of this rule.

(b) The child caring institution shall keep case records confidential and shall safeguard against the possibility of loss by fire, theft, or destruction.

(c) Staff entries in case records shall be dated and signed.

(d) The child caring institution shall keep each child's case record for at least five (5) years after the child is discharged. For records older than five (5) years, the child caring institution shall retain at least the information required in subsection (a)(1) through (a)(5), (a)(10), (a)(12), and (a)(20). *(Division of Family and Children; 470 IAC 3-11-46; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1965; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-47 Employee qualifications; generally

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 47. The child caring institution shall employ staff who are qualified by education, training, and experience for their assigned responsibility. An employee who is in a position on the effective date of this rule and who was qualified for that position under the previous rule 470 IAC 3-3 *[470 IAC 3-3 was repealed filed Jun 27, 1991, 12:00 p.m.: 14 IR 1981.]*, is exempted from this rule. *(Division of Family and Children; 470 IAC 3-11-47; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1966; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-48 Administrative and supervisory personnel

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 48. (a) The child caring institution shall employ staff to perform administrative, supervisory, service, and direct care functions.

(b) Functions may be combined only upon the approval of the SDPW.

(c) When nondirect care functions have been approved by SDPW and are combined, the staff member shall meet the requirements for each function.

(d) The administrator shall be at least twenty-five (25) years of age and shall have one (1) of the following:

(1) A master's degree in social work, counseling, social work administration, or a related human service degree, from an accredited school, and two (2) years of experience in the management or supervision of child care personnel and programs.

(2) A bachelor's degree in social work or a human service area of study from an accredited school and four (4) years of experience in the management or supervision of child care personnel and programs.

(e) If the administrator is responsible only for personnel, fiscal management, and physical facilities and is not responsible for the programs and services of the institution, the institution may employ an administrator who has a bachelor's degree from an accredited school and two (2) years of experience in child care services. However, in this case, the institution shall employ a program director who meets the qualifications set forth in subsection (d).

(f) When the position of administrator is vacated, the governing body shall designate a qualified person to act as administrator.

(g) The program director shall have one (1) of the following:

(1) A master's degree in social work or a master's degree in a human service area of study from an accredited school.

(2) A bachelor's degree in social work or a bachelor's degree in a human service area of study from an accredited school plus two (2) years of experience in child care services.

(h) The supervisory staff member responsible for supervising, evaluating, and monitoring the functions of the caseworkers, as defined under section 49 of this rule, shall have a master's degree in social work, psychology, or counseling from an accredited school plus one (1) year of experience supervised by a person with a master's degree in social work, psychology, or counseling.

(i) The staff member responsible for supervising, evaluating, and monitoring the daily work and progress of the direct care workers shall have one (1) of the following:

(1) A bachelor's degree and one (1) year of work experience in a child caring institution.

(2) Two (2) years of college and two (2) years of work experience in a child caring institution.

(3) A high school diploma and four (4) years of work experience in a child caring institution.

(Division of Family and Children; 470 IAC 3-11-48; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1966; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-11-49 Professional personnel

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 49. (a) The staff, hereafter referred to as caseworker, who perform casework or group work tasks, counseling with children and their families, or planning of services for children and their families, shall have a master's degree in social work, psychology, or counseling from an accredited school. The caseworker may have a bachelor's degree in social work, psychology, counseling, or a related area of study from an accredited school if under the supervision of a person holding a master's degree in social work, psychology, or counseling.

(b) Professional staff which are full-time, part-time, or consulting, including psychologists, psychiatrists, physicians, dentists, teachers, and nurses, shall meet the respective licensing or certification requirements of their profession in the state of Indiana.

(c) The institution shall have at least one (1) caseworker as defined by this section for every twenty-four (24) children in care.

(d) The institution shall employ a supervisor for casework staff when the institution employs six (6) or more caseworkers.

(Division of Family and Children; 470 IAC 3-11-49; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1967; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-11-50 Direct care personnel; child-staff ratios

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 50. (a) The staff members responsible for the daily direct care and supervision of the children shall be at least twenty-one (21) years of age and shall have at least a high school or equivalency diploma.

(b) The institution shall count all children who live with their parents at the institution in determining the child-staff ratios. A houseparent who serves in that capacity on the effective date of this rule and who was qualified for that position under previous rule 470 IAC 3-3 *[470 IAC 3-3 was repealed filed Jun 27, 1991, 12:00 p.m.: 14 IR 1981.]*, is exempted from the specific requirements for these child-staff ratios.

(c) The institution shall maintain a ratio of at least one (1) direct care worker on duty to every twelve (12) children while children are awake. While children are sleeping, the ratio shall be at least one (1) direct care worker to every twenty (20) children.

(d) When there are three (3) or more children under eight (8) years of age in the living unit, the institution shall maintain a ratio of at least one (1) direct care worker to every six (6) children, whether the children are awake or asleep.

(e) When a group of twelve (12) or fewer children is under the care of one (1) employee, the institution shall have a written plan for that employee to summon another adult to immediately assist in case of an emergency without leaving the children unattended.

(f) These child-staff ratios shall be maintained at group off-grounds activities. *(Division of Family and Children; 470 IAC 3-11-50; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1967; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-51 Volunteers

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 51. (a) A child caring institution which utilizes volunteers shall have and follow a written plan. The plan shall include provision for the following:

(1) Reference checks.

(2) Supervision by a paid staff member.

(3) Orientation and training in the philosophy of the child caring institution, the needs of children in care, and the methods

of meeting those needs.

(b) If volunteers are in direct contact with the residents, they shall meet the same age and health requirements as paid direct care staff. *(Division of Family and Children; 470 IAC 3-11-51; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1967; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-52 Students

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 52. Graduate or undergraduate students in a field work placement at the child caring institution shall be subject to the general personnel policies of the child caring institution, but shall not be considered or used as substitutes for employed staff. *(Division of Family and Children; 470 IAC 3-11-52; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1967; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-53 Relief staff

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 53. (a) The child caring institution shall employ a sufficient number of qualified persons to provide care and supervision for the children at all times.

(b) The child caring institution shall operate and maintain the program without depending on the work of the children or detracting from the primary work of direct care workers in the care and supervision of children.

(c) The child caring institution shall provide planned relief for direct care staff. The child caring institution shall have qualified relief staff to substitute for direct care staff for sick leave, vacation, relief time, and other absences.

(d) The administrator shall designate in writing a staff member on the premises to be in charge when the administrator is absent. The designated staff member shall have sufficient knowledge of SDPW requirements and emergency procedures to make appropriate decisions. *(Division of Family and Children; 470 IAC 3-11-53; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1968; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-54 Staff development

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 54. (a) The child caring institution shall have a written plan for the orientation, ongoing training, and development of all staff members.

(b) The child caring institution shall provide each new staff member planned job orientation within two (2) weeks of the starting date of employment.

(c) Staff members working directly with children shall receive at least twenty (20) clock hours of training activities during each full year of employment. Part-time staff members shall receive at least ten (10) hours of training activities during each full year of employment. Activities related to supervision of the staff member's routine tasks shall not be considered training activities for the purposes of this section.

(d) The child caring institution shall document that each staff member working directly with children receives training in the following areas:

(1) Administrative procedures and overall program goals.
(2) Principles and practices of child care.
(3) Family relationships and the impact of separation.
(4) Behavior management techniques.
(5) Emergency and safety procedures.
(6) Identification and reporting of child abuse and neglect.

(e) Each direct care worker shall be trained in basic first aid techniques. Review courses shall be provided to direct care

workers no less than every three (3) years. First aid training and review courses shall be in addition to the minimum training hours and subject areas required under this section. *(Division of Family and Children; 470 IAC 3-11-54; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1968; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-55 Daily routines
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 55. (a) The child caring institution shall provide the children with a daily routine which is planned to develop healthful habits in eating, sleeping, and exercising.

(b) The child caring institution shall provide each child with training and assistance in maintaining good habits of personal care and hygiene, including bathing, brushing teeth, grooming, and changing soiled or wet clothing as needed.

(c) The daily routine shall provide time for privacy and individual pursuits of each child, including provision for opportunity to be away from the group when it is necessary and safe for the child to be alone. *(Division of Family and Children; 470 IAC 3-11-55; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1968; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-56 Personal items
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 56. (a) The child caring institution shall provide each child with individually selected and fitted clothing, suitable for the child's age, sex, activities, and appropriate for the season and current weather conditions.

(b) The child caring institution shall involve the child in the selection, care, and maintenance of personal clothing as appropriate to the child's age and ability.

(c) The child caring institution shall allow each child to own and acquire clothing, toys, and personal belongings appropriate to age and development.

(d) The child caring institution shall provide storage space within reach of the child for personal possessions, clothing, and supplies.

(e) The child caring institution shall give each child an allowance for personal expenses.

(f) The child caring institution shall give all personal belongings and clothing to the child when care is terminated. *(Division of Family and Children; 470 IAC 3-11-56; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1968; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-57 Discipline and guidance
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 57. (a) The child caring institution shall have a written discipline policy and shall make the policy available to placement agencies, staff, parents, and children in care.

(b) Discipline and guidance shall be as follows:

(1) Consistent.

(2) Based on an understanding of individual needs and development.

(3) Promote self-discipline and acceptable social behavior.

(c) Children shall be treated kindly and humanely at all times.

(d) The administrator shall not use, or permit any person to use, any of the following:

(1) Cruel, harsh, or unusual punishment.

(2) Treatment which is mentally, physically, or emotionally abusive or neglectful.

(3) Any humiliating or frightening method to control the actions of any child or group of children.

(e) Children shall not be humiliated or subjected to degrading, abusive, or profane language.

(f) The child caring institution shall prohibit, as a method of discipline, the following:

(1) Confinement to a locked or dark room.
(2) Use of mechanical restraints.
(3) Undue confinement to bed.
(4) Deprivation of meals or snacks.
(5) Inappropriate assignment of work.
(6) Group discipline for an offense by an individual child.
(7) Any child or group of children punishing another child.
(8) Deprivation of visits or contact with parents, guardian ad litem, court appointed special advocate, or placing worker.

(Division of Family and Children; 470 IAC 3-11-57; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1969; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-11-58 Confinement rooms

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 58. (a) Prior to the establishment of a confinement room, the institution shall have written approval from the SDPW.

(b) A confinement room shall be used only when a child is in danger of harming himself or herself or others and has not responded to any other treatment approaches.

(c) A confinement room shall be used for treatment purposes only, not as a disciplinary measure nor as a substitute for supervision.

(d) The institution shall have and use written policies for the use of a locked confinement room. The policies shall include the following:

(1) Definition of the circumstances which justify the use of confinement.
(2) A maximum time period for each episode of confinement not to exceed one (1) hour unless extended as provided for in subsection (f).
(3) Record keeping of each confinement episode as noted in subsection (i).
(4) Clear designation of persons who have authority to approve or extend the confinement period.
(5) Directions for removal of all dangerous items from the child such as belts, shoelaces, jewelry, items in pockets, matches, and any other items which represent a potential hazard during confinement.

(e) Written policies for the use of confinement shall be distributed to staff, and there shall be documented orientation provided to staff in the policies and use of confinement.

(f) One (1) hour shall be the maximum period for confinement unless extensions are approved by the administrator, the program director, or by two (2) other professional staff members who are authorized to supervise the confinement policy and who do so in consultation with the treatment team. If confinement is needed after forty-eight (48) hours, an alternative treatment plan must be developed.

(g) An awake staff member in the immediate vicinity of the confinement room shall supervise the child at all times and shall make a visual check of the child at least every five (5) minutes.

(h) A review of the use of confinement shall be made quarterly by the administrator or the program director to analyze the therapeutic value of each confinement episode, safety considerations, appropriate utilization of confinement, and adherence to the general policy of confinement as established in subsection (d).

(i) An entry shall be made in a log or record book of each confinement episode. Recording shall include the following information:

(1) The circumstances leading to confinement.
(2) The period of time a child was confined.
(3) The time of the visual checks.
(4) Behavioral observations of the child.
(5) Specific notation of any extension of confinement including reasons for the extension and by whom approval for extension was given.

(j) Notation of each confinement shall be placed in the individual case record of the child.

(k) Confinement rooms shall be constructed and maintained in the following manner:

(1) In compliance with Group I, Division 3 occupancy under 675 IAC 13, the Indiana Building Code.
(2) Equipped and sized for therapeutic use with at least thirty-six (36) feet of floor space and eight (8) feet high ceilings.
(3) All doors, ceilings, and walls are constructed of such strength and material that no harm can come to the occupant.
(4) All switches controlling lights, ventilation, or other mechanical systems are on the outside of the room.
(5) No functional electrical outlets are located in the room.
(6) A window is provided to allow for a visual check of the child without entering the room.
(7) Windows are secured and protected so as to prevent harm to the occupant.
(8) Ceiling lights are provided, protected, and recessed.
(9) The room is heated, cooled, and ventilated as required under 675 IAC.
(10) A smoke detector is located in a position adequate to detect any smoke or fume hazard to the person confined.
(Division of Family and Children; 470 IAC 3-11-58; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1969; errata, 14 IR 2259; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-11-59 Mechanical restraints
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 59. (a) Mechanical restraints shall be used only if the child is a clear and present danger to himself/herself or others and therapeutic crisis intervention techniques have been attempted and failed or are diagnostically eliminated prior to use.
(b) If an institution uses mechanical restraints, the institution shall develop policies and procedures on their usage that include the following:
(1) Description of the types of mechanical restraints used.
(2) Criteria for use.
(3) Staff authorized to approve use.
(4) Staff authorized and trained to apply restraints.
(5) Procedures for application.
(6) Staff training requirements.
(7) Time limitations on use.
(8) Monitoring requirements while child is in restraints.
(c) Documentation of mechanical restraint training shall be in each employee's personnel record.
(d) An institution shall not use any form of restraint until the policies and procedures in subsection (b) have been approved by the SDPW.
(e) A record shall be maintained of each incident of mechanical restraint and placed in the child's record that includes the following information:
(1) Date and time of incident.
(2) Name of child.
(3) Form of restraint used.
(4) Length of time in restraint.
(5) Name and title of person who authorized use of restraint.
(6) Name and title of person applying the restraint.
(7) Name of person responsible for monitoring the child while in restraints.
(8) Description of child's behavior prior to, during, and after use of restraints.
(9) Treatment team assessment of the effectiveness of the restraint and future alternatives.
(Division of Family and Children; 470 IAC 3-11-59; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1970; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-11-60 Education
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 60. (a) Each child shall be given the same opportunity for education as other children in the community.

(b) Children who are wards of the SDPW shall attend only public schools or private schools with appropriately certified teachers by the state department of education for the age group and classes they teach. This requirement shall include any on-grounds schools.

(c) When children in residence attend a school off-grounds and when transportation to and from school is not provided by the school, the child caring institution shall provide suitable transportation for the children.

(d) The child caring institution shall provide each child not receiving public education under 511 IAC 7-1 *[511 IAC 7-1 was repealed filed Dec 9, 1991, 8:30 a.m.: 15 IR 558.]* with help in the selection of an occupation and in arrangements for necessary vocational training or education, provided that the child will benefit from such training or education. *(Division of Family and Children; 470 IAC 3-11-60; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1970; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-61 Religion

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 61. (a) The child caring institution shall make available the opportunity to participate in religious activities in accordance with the child's religious faith in so far as is practical.

(b) The child caring institution shall have a written description of any religious orientation and of particular religious practices that are observed and expected of the child. The description shall be distributed prior to admission to parents and the placing agency. *(Division of Family and Children; 470 IAC 3-11-61; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1971; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-62 Work experience

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 62. (a) The child caring institution may use work experience to provide a learning experience for children. The child caring institution shall not use such work experience as a substitute for staff members.

(b) The child caring institution may provide work experience and training which is appropriate to the age, health, and ability of the children in care. However, the child caring institution shall not require a child to do work which would interfere with time for school, study, and recreation periods, religious participation, normal community contacts, or visits with family. *(Division of Family and Children; 470 IAC 3-11-62; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1971; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-63 Recreation

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 63. (a) The child caring institution shall provide a written plan for indoor and outdoor recreational and social activities for the children. These activities shall be provided in accordance with the ages, abilities, and interest of the children participating.

(b) The child caring institution shall assign the responsibility for planning and maintaining a program of recreational and social activities to a staff member who is given adequate time to carry out the responsibility.

(c) The child caring institution shall provide the facilities needed for recreation and shall use community recreational and social facilities when available and suitable. *(Division of Family and Children; 470 IAC 3-11-63; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1971; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-64 Visiting; correspondence

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 64. (a) The child caring institution shall have written policies and procedures which provide for visits with families, mail, telephone calls, and other forms of children's communication with family, friends, and significant others.

(b) Denial of home visits shall be made only in accordance with the treatment plan as approved by the placing agency.

(c) The child caring institution shall prohibit overnight visits with staff or persons other than the child's family except as such persons are identified by the treatment plan for the child and are approved by the placing agency.

(d) The child caring institution shall make writing material available to children in care. Each child shall have privacy in handling his or her correspondence.

(e) The child caring institution may require that a child open his or her mail in the presence of a staff member if there is reasonable fear that the contents other than the letter may harm the child or others. However, staff persons shall not have the right to withhold a child's correspondence without a court order. *(Division of Family and Children; 470 IAC 3-11-64; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1971; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-65 Transportation

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 65. (a) If the child caring institution provides for transportation of children and staff, any vehicle used shall be licensed in accordance with state law and shall be maintained in safe operating condition.

(b) The operator shall have a proper license to drive such vehicle.

(c) Children shall be loaded or unloaded only from the curb side of the vehicle and at the curb.

(d) Seat belts shall be used for each occupant at all times when the vehicle is in motion, unless the vehicle is specifically exempted by state law.

(e) Only that number of children and adults for whom there is comfortable seating space shall be transported in one (1) vehicle. No child shall be permitted to stand in the vehicle when being transported. *(Division of Family and Children; 470 IAC 3-11-65; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1971; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-66 Treatment plan

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 66. (a) The child caring institution shall have completed a written treatment plan for each child within forty-five (45) days of admission and shall provide a copy of the plan to the placing agency or placing parent or guardian.

(b) The child caring institution shall involve staff members who provide direct care, social services, education, recreation, and health services in developing and implementing the treatment plan for the child and the family.

(c) The child caring institution shall involve the child, the parent, legal guardian, or placing agency when available in the development of the treatment plan. Upon request, the parent or guardian shall receive a copy of the plan.

(d) The treatment plan shall include an assessment of the following with the child and family:

(1) Needs.
(2) Strengths.
(3) Weaknesses.
(4) Problem areas.

(e) The treatment plan shall state goals to be achieved, staff assignments, time schedules, and steps to be taken to meet the goals in at least the following areas:

(1) Education.
(2) Daily living activities.
(3) Any specialized recreation.
(4) Any specialized services, such as counseling.
(5) Family involvement and plan for visitation.
(6) The projected length of stay.

(f) If the assessment of a child indicates the child is in need of treatment by a psychiatrist or is currently under psychiatric care,

the child caring institution shall provide or arrange for appropriate consultation and treatment.

(g) The child caring institution shall share with the child decisions regarding development, changes, or continuation of plans, and contacts with the family, placing agency, or other significant persons outside the child caring institution.

(h) The child caring institution shall review and revise as necessary the treatment plan at least every six (6) months. The review shall include input from the child, direct care workers, and the placing agency.

(i) The child caring institution shall provide a written summary of each quarterly review to the placing agency or placing parent or guardian. *(Division of Family and Children; 470 IAC 3-11-66; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1972; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-67 Discharge

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 67. (a) At the time of discharge, the child caring institution shall document the following in the child's case record:

(1) A summary of services, an assessment of goal achievement, and identification of the needs remaining to be met.

(2) Recommendations for the child and family following discharge.

(3) The date and reasons for discharge.

(4) The name, address, telephone number, and relationship of the person or agency to whom the child is released.

(b) At the time of discharge, the child caring institution shall make a summary of health recommendations for the child available to the parents, guardian, placing agency, or other individual or agency to whom the child is released. *(Division of Family and Children; 470 IAC 3-11-67; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1972; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-68 Services to families

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 68. (a) The child caring institution shall make efforts to maintain ongoing contact with the child's parents, guardian, or other primary caretaker. The child caring institution shall encourage these persons to communicate and visit with the child in accordance with the treatment plan and in compliance with or subject to court orders and any limitations stated therein.

(b) The child caring institution shall encourage parents to assume responsibilities for the child and to cooperate with the child caring institution in carrying out its plans for him or her. The child caring institution shall document efforts to provide services to the child's family. *(Division of Family and Children; 470 IAC 3-11-68; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1972; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-69 Health program requirements; written plan

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 69. (a) The child caring institution shall submit a written, dated health program to the SBH on forms provided by that agency. The written program shall be approved by the SBH.

(b) The child caring institution and the consulting licensed physician shall review and revise as necessary the written program and shall submit the program to the SBH every two (2) years. *(Division of Family and Children; 470 IAC 3-11-69; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1973; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-70 Medical services; generally

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 70. (a) The child caring institution shall engage the services of a licensed physician and licensed dentist to provide medical and dental examinations and care for the children in the child caring institution.

(b) The child caring institution shall report each hospitalization or visit to emergency medical facilities to the placing agency or the placing parent or guardian. *(Division of Family and Children; 470 IAC 3-11-70; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1973; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-71 First aid policies and practices

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 71. (a) The child caring institution shall establish written first aid policies for the care of illness or injury. The policies shall be dated and signed as approved by the consulting licensed physician. The child caring institution and the consulting licensed physician shall review the policies every two (2) years in conjunction with the written health program and revise them as necessary.

(b) First aid policies shall include, but are not limited to, directions for the care of the following:

(1) Poisoning.

(2) Seizures.

(3) Hemorrhaging.

(4) Artificial respiration.

(5) Choking.

(c) The child caring institution shall make the written first aid policies available to all staff and shall post them where they can be easily seen.

(d) Staff members shall have immediate access to the following:

(1) A telephone.

(2) The telephone numbers of the child caring institution's consulting licensed physician, consulting licensed dentist, and the nearest emergency medical facility.

(3) The telephone numbers for ambulance services, the local fire department, and the poison control center.

(4) The “Red Cross First Aid Manual” or its equivalent.

(5) First aid supplies, as specified by the child caring institution's consulting licensed physician.

(e) Staff members shall observe children for signs of illness or injury.

(f) The child caring institution shall keep first aid supplies in a place inaccessible to children, but easily accessible to staff. *(Division of Family and Children; 470 IAC 3-11-71; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1973; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-72 Medication; disbursement, application

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 72. (a) The giving or application of medication, providing dietary supplements, making special variations of diet, and carrying out medical procedures shall be done only on written order or prescription from a physician.

(b) Medication prescribed for an individual child shall be kept in the original container bearing the original pharmacy label showing the prescription number, the date filled, the physician's name, directions for use, and the child's name.

(c) When no longer needed, medication shall be returned to the physician or destroyed, and notation of such destruction or return shall be noted on the child's record. The child caring institution shall return unused portions of narcotic prescriptions to the prescribing physician or pharmacy.

(d) The consulting licensed physician's orders for “as needed” or over-the-counter medications shall be posted where such medications are stored.

(e) Medications shall not be administered past the expiration date.

(f) The staff member administering medication shall record the following information in the child's health record:

(1) The date and time of day when medication is given.

(2) Why it is given.

(3) How much is given.

(4) By whom administered.

(Division of Family and Children; 470 IAC 3-11-72; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1973; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-11-73 Psychotropic medication
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 73. (a) The child caring institution shall provide psychotropic medications to a child only as prescribed by a licensed physician or licensed psychiatrist who has the responsibility for the diagnosis, treatment, and therapeutic planning for the child.

(b) The child caring institution shall obtain from the prescribing licensed physician a written report at least every thirty (30) days for each child receiving psychotropic medication. The written report shall state the reasons medication is being continued, discontinued, or changed, as well as any recommended changes in the treatment goals and planning. The report shall be based on the licensed physician's review of reports by staff as well as the physician's actual observation of the child at least every ninety (90) days. *(Division of Family and Children; 470 IAC 3-11-73; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1974; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-74 Storage of medication
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 74. (a) The child caring institution shall store all medication in a locked cabinet, box, or drawer and in a safe place, not accessible to children.

(b) Medication not requiring refrigeration shall not be stored in the kitchen.

(c) Medication requiring refrigeration shall be stored in a plastic container covered and clearly labeled "medication". *(Division of Family and Children; 470 IAC 3-11-74; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1974; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-75 Health requirements for children
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 75. (a) The child caring institution shall obtain from the placing agency or placing parent a statement indicating whether or not the child has, to the best of the applicant's knowledge, been exposed to a communicable disease within three (3) weeks prior to the date of admission.

(b) Each child shall receive a health examination by a licensed physician within three (3) months prior to admission, or not later than two (2) weeks after admission. The examination shall include the following:

(1) Health history.

(2) Physical examination.

(3) Vision and hearing screening.

(4) A Mantoux intradermal skin test for tuberculosis if the last such test is known to be negative or if there is no record of a test. If the Mantoux test is positive the child shall have a diagnostic chest x-ray and other indicated laboratory test to determine whether or not the disease is in an infectious state.

(5) A written statement from the licensed physician that in the physician's opinion there is no health condition that would be hazardous either to the child or to other children in the child caring institution.

(6) A statement of the medical findings, including physical defects and need for dental care, state of development, and ability of the child to take part in group activities, or a schedule of permitted activities if activities need to be limited.

(7) A health examination, including a Mantoux tuberculin test annually and whenever there is reason to suspect that the child may have a condition hazardous or potentially hazardous to others or whenever the child's general condition indicates the need for an examination.

(c) Each child shall receive a dental examination from a licensed dentist as follows:

(1) Within thirty (30) days of admission unless the child caring institution has documentation of a dental examination within the six (6) months prior to admission.

(2) Annually.

(3) Whenever an interim condition indicates the need for examination or treatment.

(d) Any treatment or corrective measures required by the licensed physician or dentist shall be arranged by the child caring institution, as approved by a parent, legal guardian, or placing agency.

(e) The child caring institution, after attempting to determine the child's immunization history, shall ensure that each child has received all immunizations and booster shots which are required by the SBH.

(f) All children shall be immunized against routine childhood diseases unless exempted by a licensed physician's statement.

(g) A child may be exempted from immunizations against routine childhood diseases upon the good faith religious belief statement of the parent or guardian.

(h) The adequate immunizing doses and the child's age for administering each vaccine shall be those recommended by the American Academy of Pediatrics or by the United States Public Health Service Immunization Practices Advisory Committee.

(i) Adequate documentation of an immunization history shall consist of one (1) of the following:

(1) A licensed physician's certificate including the number and dates of doses administered.

(2) Immunization records forwarded from a school corporation including the number and dates of doses administered.

(3) A record maintained by the parent or guardian showing the month, day, and year during which each dose of vaccine was administered.

(j) If a licensed physician certifies in writing that a particular immunization required under this section is detrimental, or may be detrimental, to the child's health, the requirements for that particular immunization are not applicable for that child until the immunization is found no longer to be detrimental to the child's health.

(k) The child caring institution shall maintain a health record for each child. The record shall include the following:

(1) Admission and periodic health and dental examination information.

(2) A licensed physician's written instructions with regard to special dietary or health care required.

(3) Record of all medications and treatments.

(4) Record of observations and incidents, including accidents, injuries, or any other condition which may be associated with a health condition or possible abuse or neglect.

(Division of Family and Children; 470 IAC 3-11-75; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1974; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-11-76 Health requirements for staff members

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 76. (a) Within thirty (30) days of employment, each staff member shall have a health examination which includes a Mantoux tuberculin test or chest x-ray and any other test and immunization considered necessary by the licensed physician. If the Mantoux tuberculin test is positive, the chest x-ray is mandatory. The health examination may have been conducted within three (3) months prior to employment.

(b) The child caring institution shall require an annual Mantoux tuberculin test of all field work students, food service personnel, and employees having direct contact with children.

(c) Volunteers having direct contact with children shall meet the same health examination requirements as paid staff.

(d) The child caring institution shall not permit employees who become ill or who return to work following illness to work in a capacity which may transmit disease or be detrimental to the health of the children or other employees.

(e) Children of resident staff members who live with their parents at the child caring institution shall be subject to the following immunization requirements:

(1) The child caring institution shall ensure that each child has received all immunizations and booster shots which are required by the SBH.

(2) All children shall be immunized against routine childhood diseases unless exempted by a licensed physician's statement.

(3) A child may be exempted from immunizations against routine childhood diseases upon the good faith religious belief statement of the parent or guardian.

(Division of Family and Children; 470 IAC 3-11-76; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1975; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-11-77 Nutrition and food service; menus; vendor service; education

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 77. (a) The child caring institution shall submit a written plan for nutrition and food services, including four (4) weeks of proposed menus to the SBH on forms provided by that agency. The written plan shall be approved by the SBH. The child caring institution shall submit a written revised plan for nutrition and food services to the SBH every two (2) years.

(b) The child caring institution shall provide the following:

(1) Regardless of the number of children served, a menu for three (3) meals a day; afternoon and evening snacks planned one (1) week in advance of serving, corrected as served, and kept on file for review by the SBH for a period of one (1) year.

(2) A current week's menu for all snacks and meals which shall be posted in the kitchen and eating area.

(3) Food preparation and service personnel with documentation of any special dietary prohibitions or substitutions for each child for whom such instructions are necessary, as based upon the written order of the child's physician.

(c) Vendor service, when used by the child caring institution, shall be approved by the SBH.

(d) The child caring institution shall provide nutrition education to the children and shall provide training in basic nutrition, sanitation, and guidance in planning nutrition education to the staff.

(e) The child caring institution shall provide meals and snacks that meet the dietary needs of each child as based on the current National Research Council Recommended Daily Allowances (NRC-RDA), according to each child's age, sex, and maturation.

(f) The child caring institution shall meet the following food requirements:

(1) Prepare and serve a planned breakfast. A staff person shall be responsible for and assist in breakfast preparation.

(2) Serve meals at times which meet the children's needs and which are spaced so that there are no unduly long periods without food. Additional portions of food shall be available for children and adults.

(3) Serve milk and milk products obtained from sources approved by the SBH. Reconstituted dry milk for drinking or skim milk shall not be served to children.

(4) Serve fruit juices that are one hundred percent (100%) fruit juice. All noncitrus juices served shall be fortified with Vitamin C.

(5) Serve ades and drinks, powders, and bases as supplements and not as substitutes for fruit juice or milk.

(6) Approve, in writing by a physician, all special or therapeutic diets.

(7) Serve food in a relaxed atmosphere and in a family style setting whenever possible. Proper table etiquette shall be encouraged.

(g) Table serving, dining room chairs, and tables shall be of age-appropriate size and construction for the children using them.

(h) Direct care workers shall eat with the children and shall receive the same food as the children except for special dietary needs of the workers or the children.

(i) All food shall be prepared, maintained, and stored properly to assure flavor, appearance, and nutritive value.

(j) The institution shall operate the kitchen and any other food preparation and food service area in compliance with 410 IAC 7-15.1 *[410 IAC 7-15.1 was repealed filed Mar 30, 2000, 3:51 p.m.: 23 IR 1984. See 410 IAC 7-20.]*, food service sanitation requirements, as adopted on November 3, 1983, and any successive changes.

(k) The institution shall keep a copy of 410 IAC 7-15.1 *[410 IAC 7-15.1 was repealed filed Mar 30, 2000, 3:51 p.m.: 23 IR 1984. See 410 IAC 7-20.]* in the kitchen at all times for reference.

(l) The institution shall not serve any food items prepared in a home kitchen with the exception of holidays and birthdays.

(m) Any food once served or placed in nontemperature controlled serving dishes shall be disposed of.

(n) Work and cleaning schedules shall be written, posted, and followed for all the food storage, preparation, and service areas.

(o) The kitchen shall not be used for children's play activities, as dining or recreation areas for adults, or as an office.

(p) The kitchen shall have floor to ceiling walls with doors for doorways and closures for serving windows for all institutions established after promulgation of this rule.

(q) Institutions which provide and use separate cooking and eating facilities for each living unit of ten (10) or fewer children may substitute the following requirements in lieu of subsections (j) through (p):

(1) The kitchen shall meet state and local codes for a one (1) family residence and shall be approved by the SBH.
(2) The kitchen shall be equipped with the following:
(A) A stove.
(B) A refrigerator.
(C) Closed cabinets for food and utensil storage.
(D) A two (2) compartment sink and an automatic dishwasher or a three (3) compartment sink.
(E) Light and ventilation.
(F) Walls and ceilings that are smooth and easily washed.
(G) Counter surfaces that are smooth and free of cracks and seams.
(Division of Family and Children; 470 IAC 3-11-77; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1975; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-11-78 Building, grounds, and equipment
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 78. (a) The building of the child caring institution shall conform to the requirements in this section and have the approval of the SBH, SFM, and FPBSC as required under 675 IAC 12.
(b) The building of the child caring institution shall not be located where any conditions exist that would be hazardous to the physical or moral welfare of the children.
(c) The child caring institution shall be equipped with a proper heating plant and capacity sufficient to maintain all housing units at a temperature of not less than sixty-eight degrees Fahrenheit (68°F) under severest weather conditions. Thermostatic control shall be maintained where feasible.
(d) An institution shall provide safe and protected outdoor playground space. The space shall allow for the separation of older and younger children.
(e) The child caring institution shall provide indoor and outdoor play equipment. The equipment shall be safe, repaired as needed, and sufficiently varied to meet the needs of the children according to age, size, and social development. *(Division of Family and Children; 470 IAC 3-11-78; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1977; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-79 Space requirements; furnishings
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 79. (a) The child caring institution shall provide the following:
(1) Indoor living space sufficient to permit the separation of children engaged in quiet activities and in active play.
(2) Indoor play space for younger children separate and apart from that provided for older children.
(3) Space for children to study and read.
(b) The child caring institution shall provide the following:
(1) Separate sleeping quarters for male and female children.
(2) At least fifty (50) square feet of floor space or five hundred (500) cubic feet of air space for each child in sleeping rooms.
(3) At least three (3) feet of space between sides and ends of each single bed.
(4) At least five (5) feet of space between sides and ends of each bunk bed. There shall be sufficient space to allow each occupant of the bunk to sit up in bed.
(c) The child caring institution shall provide an individual bed and mattress for each child. The bed shall be of age-appropriate construction, sufficient size for the child using it, and shall be up off the floor.
(d) The child caring institution shall provide bedding as follows:
(1) Mattress protection pad.
(2) Two (2) sheets, a pillow, pillow case, and bed covering sufficient for the comfort of the child.
(3) Clean sheets and pillow cases as often as required for cleanliness and sanitation, and at least once a week.
(4) Water-resistant bed pads for enuretic children and they shall have their linens changed as often as they are wet.

(e) The child caring institution shall provide a private bedroom, separate and apart from the children, for each resident staff member, except that one (1) bedroom for a resident married couple shall meet this requirement.

(f) The child caring institution shall provide the following for the care of a sick child:

(1) Adequate space to permit the isolation of a child who has a communicable disease, or other illness requiring separation. While being used for illness, a room used for isolation shall not be used for any other purpose and shall be closed off from other rooms.

(2) A room which is well-ventilated and heated.

(3) Sanitation of all furnishings after each use for isolation for a communicable disease.

(g) The child caring institution shall provide furnishings which are as follows:

(1) Safe and room appropriate for use.

(2) Maintained and repaired as needed.

(3) Sufficiently varied to meet the needs of the children according to their age, size, and social development.

(h) The child caring institution shall provide a study area which includes the following:

(1) Tables or desks.

(2) Chairs.

(3) Appropriate lighting for reading.

(Division of Family and Children; 470 IAC 3-11-79; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1977; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-11-80 Maintenance and safety

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 80. (a) The buildings and premises of each child caring institution shall at all times be maintained in a clean, safe, and sanitary condition and in a good state of repair.

(b) The child caring institution shall maintain the following safety precautions:

(1) Keep poisons and harmful chemicals under lock.

(2) Store other hazardous materials and equipment including cleaning supplies, polishes, bleaches, detergents, matches, and tools in a place locked to children.

(3) Prohibit the storage and use of firearms on the property.

(4) Provide adult supervision whenever power equipment is being used by children.

(5) Maintain or repair outdoor play space and grounds of the child caring institution and keep free from observable hazards.

(c) A person holding at least a Red Cross advanced life saving certificate, or YMCA equivalent, shall be on duty at all times when a swimming pool or other swimming area is in use. A minimum of two (2) flotation lifesaving devices shall be provided for each pool or swimming area. *(Division of Family and Children; 470 IAC 3-11-80; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1978; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-81 SBH requirements; water supply and water treatment

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 81. (a) An adequate water supply of a safe, sanitary quality shall be obtained from a water source or system approved by the SBH.

(b) Connection to a public water supply is required when available within a reasonable distance, not to exceed three hundred (300) feet.

(c) If a private well is used, water shall be potable and of adequate quantity. The well shall meet the construction standards under 410 IAC 6-10 and shall be approved by the SBH.

(d) The construction of a new water well or major alterations to an existing well shall be approved by the SBH.

(e) Drinking water shall be available to the children at all times.

(f) If drinking fountains are provided, they shall be of the sanitary type with guarded angular stream drinking fountain heads

and shall be so constructed and located as to be accessible for use by the children at all times but shall not be located in a bathroom.

(g) If drinking fountains are not provided, individual single service cups shall be provided in a sanitary dispenser and used only once.

(h) All plumbing fixtures shall discharge into a public sanitary sewer whenever available within a reasonable distance, not to exceed three hundred (300) feet, or whenever soil conditions prohibit the construction of an adequate on-site system.

(i) Where a municipal sewage treatment system is not available and a private system is used, the sewage treatment system shall meet the requirements of 410 IAC 6-10 and shall be approved by the SBH.

(j) New plumbing equipment shall meet the requirements of the SBH and shall be approved by that agency. *(Division of Family and Children; 470 IAC 3-11-81; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1978; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-82 Bath, toilet facilities, and ventilation

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 82. (a) All bathing and handwashing facilities for children shall be provided with hot and cold running water. The child caring institution shall use automatic hot water control valves that maintain the hot water temperature at the point of use between one hundred degrees Fahrenheit (100°F) and one hundred twenty degrees Fahrenheit (120°F).

(b) The institution shall provide separate bathrooms for boys and girls.

(c) The institution shall provide at least one (1) wash basin for every four (4) children.

(d) The institution shall provide at least one (1) flush toilet for every eight (8) children, with partitions between individual toilets and private screening in front of the toilets.

(e) The institution shall provide at least the following:

(1) One (1) bath tub or shower for every eight (8) children.

(2) A minimum of one (1) bath tub as may be needed for medical reasons.

(f) Bathing, handwashing, and toilet facilities shall be accessible and age-appropriate to the group served.

(g) The institution shall provide staff with bath and toilet facilities separate from those of the children.

(h) Each toilet shall be provided with toilet tissue which is dispensed in a sanitary manner.

(i) All windows which open, doors not equipped with panic hardware or equivalent, ventilators, and other outside openings shall be protected against insects by at least sixteen (16) mesh screening which is securely fastened as the season requires. *(Division of Family and Children; 470 IAC 3-11-82; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1978; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-83 Swimming pools

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 83. (a) Swimming pools shall be constructed in accordance with 675 IAC 20, maintained and operated in accordance with 410 IAC 6-2.

(b) Outdoor swimming pools shall be fenced. The gate shall be locked when the pool is not in use.

(c) Indoor pools shall be secured to prevent accidental entry or unauthorized use. *(Division of Family and Children; 470 IAC 3-11-83; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1979; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-84 Pets

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 84. Pets which are a potential source of rabies shall be immunized as needed against rabies. *(Division of Family and Children; 470 IAC 3-11-84; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1979; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-85 Fire prevention and building safety plan, design, and construction
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 85. (a) The institution shall be designed for the protection and well-being of the children. Buildings shall be structurally sound and repaired as needed.

(b) Prior to construction of any new building, conversion of an existing building, major alteration to an existing building, or addition to an existing building, complete plans and specifications shall be submitted to the office of the state building commissioner as required under 675 IAC 12-6.

(c) The institution shall comply with FPBSC construction rules under 675 IAC.

(d) The institution shall not house, care for, or maintain or permit to be maintained a child above the second floor of a building.

(e) Whenever sixteen (16) or more children are housed in a building, that building shall be equipped with an automatic sprinkler system unless the children are divided into living units of less than sixteen (16) children each and each unit is separated from adjoining units in the same building by a two (2) hour fire resistive construction as required under 675 IAC 13.

(f) Interior finish of all buildings shall comply with the rules of the FPBSC under 675 IAC. *(Division of Family and Children; 470 IAC 3-11-85; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1979; errata, 14 IR 2259; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-86 Heat, light, and ventilation
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 86. (a) Heating, lighting, and ventilation shall comply with 675 IAC.

(b) When natural light is insufficient in buildings, it shall be supplemented by artificial light, properly diffused and distributed. All lighting intensity measurements shall be at the level of work or, in rooms or hallways where no work is done, at a height of thirty (30) inches above the floor. The following average levels of illumination are to be maintained:

(1) Study areas, table top work areas: minimum average of fifty (50) foot-candles.

(2) Toilet rooms, bathing facilities, sleeping areas, dining rooms, stairways: minimum average of twenty (20) foot-candles.

(3) Corridors: minimum average of fifteen (15) foot-candles.

(c) All gas equipment and appliances in the buildings shall comply with 675 IAC.

(d) The institution shall fully comply with 675 IAC regarding the use of liquified petroleum gas, natural gas, fuel oil, and other heating methods.

(e) Open grate gas heaters, portable electric heaters, or other portable heaters shall not be used by the institution.

(f) If combustion space heaters are used they shall be:

(1) installed with permanent connections and protectors;

(2) vented directly to the outside; and

(3) approved as required under 675 IAC 12 prior to installation.

(Division of Family and Children; 470 IAC 3-11-86; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1979; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-11-87 Electrical equipment, plumbing, and combustible materials
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 87. (a) All wiring in the building shall comply with 675 IAC 17, the Indiana electrical rules, and shall be approved as required under 675 IAC 12.

(b) Receptacles and outlets serviced by extension cord type wiring are prohibited.

(c) New plumbing equipment shall meet the requirements under 675 IAC 16.

(d) If a gas water heater is used, it shall be vented as required under 675 IAC 18.

(e) The institution shall be kept free from fire hazards. Combustible materials such as paper, rags, excelsior, and other flammable materials shall not be permitted to accumulate upon the premises. Dust and grease shall be regularly cleaned from hoods above stoves and other equipment.

(f) All flammable liquids shall be in tightly sealed containers when not in use and shall be stored on the premises only in such quantities and in such rooms as are specifically allowed under 675 IAC. Such rooms shall be locked to children.

(g) The construction of rooms housing flammable or combustible materials on the premises shall comply with 675 IAC and shall be approved as required under 675 IAC 12. *(Division of Family and Children; 470 IAC 3-11-87; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1980; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-88 Halls, windows, doors, and exits

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 88. (a) All stairways, halls, aisles, corridors, and exits shall be lighted at all times and free of any obstructions.

(b) All interior exit stairways shall be enclosed in accordance with 675 IAC unless equivalent fire protection is provided as determined under 675 IAC.

(c) Exits shall not pass through kitchens, storerooms, bathrooms, closets, or spaces used for similar purposes.

(d) The occupant load for which means of egress shall be provided for any floor shall be determined in accordance with 675 IAC.

(e) All buildings shall have openings consisting of windows or doors in accordance with 675 IAC.

(f) Windows which are hazardous to children shall be equipped with screens or guards which shall be attached in such a way that they may either be removed from the outside or broken into from the outside in case of fire.

(g) All exit doors shall be readily accessible and usable at all times, shall swing in the direction of exit travel, and shall discharge directly to the outside. Exit doors shall be equipped with panic hardware or the equivalent, when required, in accordance with 675 IAC.

(h) Every interior door shall be such that children can open the door from the inside, except that a confinement room may be locked as provided under section 58 of this rule.

(i) Bathroom door locks shall be designed to permit opening a locked door from the outside in an emergency. The opening device shall be readily accessible to the staff. *(Division of Family and Children; 470 IAC 3-11-88; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1980; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-11-89 Safety equipment and procedures

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 89. (a) A fire and smoke alarm system shall be submitted for approval as required under 675 IAC 12. Plans and specifications for both systems shall be submitted as required under 675 IAC 12.

(b) Access to exits shall be indicated by visible exit signs as required under 675 IAC 13.

(c) Emergency lighting shall be provided in all interior stairs and corridors.

(d) Fire extinguishers or other firefighting equipment shall be provided as directed under 675 IAC.

(e) The fire extinguishers shall be plainly visible and easily accessible at all times.

(f) The cooking area shall be protected with a minimum of one (1) 5-B:C rated portable fire extinguisher or more as required by NFPA 10, as adopted under 675 IAC 22.

(g) All cooking equipment shall conform to 675 IAC.

(h) The institution shall have written, posted evacuation procedures in case of fires and other emergencies. The procedures shall be taught to all staff as a part of their orientation. Disaster evacuation procedures shall be posted in all living units.

(i) Fire drills shall be conducted monthly and noted in the records or reports of the institution for review. *(Division of Family and Children; 470 IAC 3-11-89; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1980; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

Rule 12. Emergency Shelter Care Children's Homes and Child Caring Institutions

470 IAC 3-12-1 Applicability
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 1. (a) This rule applies to all child caring institutions which are licensed by the SDPW as institutions caring for more than ten (10) children.

(b) A licensee caring for more than ten (10) children may be issued and hold one (1) of the following combinations of licenses concurrently as a single facility:

(1) A license to operate an institution under 470 IAC 3-11.

(2) A license to operate an emergency shelter care under this rule.

(3) A license to operate an institution under 470 IAC 3-11, and a license to operate an emergency shelter care under this rule.

(4) A license to operate an institution under 470 IAC 3-11, and a license to operate a private secure facility under 470 IAC 3-13.

(5) A license to operate an institution under 470 IAC 3-11, a license to operate an emergency shelter care under this rule, and a license to operate a private secure facility under 470 IAC 3-13.

(Division of Family and Children; 470 IAC 3-12-1; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1981; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-12-2 "Administrator" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 2. As used in this rule, "administrator" means the person designated by the governing body and responsible for the general management and administration of the child caring institution. *(Division of Family and Children; 470 IAC 3-12-2; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1981; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-3 "Admission" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 3. As used in this rule, "admission" means the process of entering a child in a child caring institution. *(Division of Family and Children; 470 IAC 3-12-3; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1981; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-4 "Application" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 4. As used in this rule, "application" means the forms and methods by the SDPW to gather information about and document the intent to operate a child caring institution. The application includes the completion of the appropriate SDPW form, a signed, notarized criminal history affidavit, a financial statement, and any requests for waivers or variances from the agency. *(Division of Family and Children; 470 IAC 3-12-4; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1981; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-5 "Children's home" or "child caring institution" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 5. As used in this rule, "children's home" or "child caring institution" means a children's home, an orphanage, an institution, a shelter care facility, a private secure facility, or other place maintained or conducted by any group of individuals, or political subdivision engaged in:

(1) receiving and caring for dependent children, children in need of services, or delinquent children; or
(2) operating for gain a private business of boarding children who are unattended by a parent, guardian, or custodian.
(Division of Family and Children; 470 IAC 3-12-5; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1982; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-12-6 "Communicable disease" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 6. As used in this rule, "communicable disease" means an illness due to an infectious agent or its toxic products which is transmitted directly or indirectly to a well person from an infected person, animal, or arthropod, or through the agency of an intermediate host, vector, or the inanimate environment. *(Division of Family and Children; 470 IAC 3-12-6; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1982; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-7 "Confinement room" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 7. As used in this rule, "confinement room" means a locked room which is used for the exclusive purpose of isolating a child in order to help the child control his or her behavior. *(Division of Family and Children; 470 IAC 3-12-7; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1982; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-8 "Corporal punishment" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 8. As used in this rule, "corporal punishment" means any kind of punishment inflicted upon the body. Corporal punishment includes, but is not limited to, slapping, hitting, spanking, pinching, and pushing. *(Division of Family and Children; 470 IAC 3-12-8; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1982; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-9 "Emergency shelter" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 9. As used in this rule, "emergency shelter" means a short term place of residence, other than a secure facility that:
(1) is not locked to prevent a child's departure unless the administrator determines that locking is necessary to protect the child's health; and
(2) provides twenty-four (24) hours a day temporary care for not more than sixty (60) consecutive days to an individual child six (6) years of age or older admitted on an emergency basis.
(Division of Family and Children; 470 IAC 3-12-9; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1982; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-12-10 "Food service" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 10. As used in this rule, "food service" means the preparation and serving of meals and snacks. *(Division of Family and Children; 470 IAC 3-12-10; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1982; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-11 "FPBSC" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 11. As used in this rule, "FPBSC" means the fire prevention and building safety commission. *(Division of Family and Children; 470 IAC 3-12-11; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1982; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-12 "Governing body" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 12. As used in this rule, "governing body" means the person, or group of persons, which has the ultimate administrative, fiscal, and managerial control of a child caring institution. *(Division of Family and Children; 470 IAC 3-12-12; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1982; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-13 "Group home" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 13. As used in this rule, "group home" means a type of child caring institution licensed for ten (10) or fewer children, six (6) years of age or older, who are apart from their parents or guardian on a twenty-four (24) hour a day basis and who have demonstrated the ability to follow direction and take appropriate action for self-preservation. *(Division of Family and Children; 470 IAC 3-12-13; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1982; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-14 "Institution" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 14. As used in this rule, "institution" means a type of child caring institution licensed for more than ten (10) children. Nothing in this rule or 470 IAC 3-11 shall preclude an institution caring for ten (10) or less children from being licensed under this rule or 470 IAC 3-11. *(Division of Family and Children; 470 IAC 3-12-14; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1982; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-15 "License" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 15. As used in this rule, "license" means a document authorizing the operation of a child caring institution at a specific address, the number of children which may be cared for, the age range and gender of the children, and the expiration date of the authorization. *(Division of Family and Children; 470 IAC 3-12-15; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1983; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-16 "Living unit" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 16. As used in this rule, "living unit" means the building or part of a building which contains separate living, sleeping, and sanitation facilities for a group of children who eat, sleep, and have some of their daily activities apart from other groups of children. *(Division of Family and Children; 470 IAC 3-12-16; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1983; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-17 "Mechanical restraints" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 17. As used in this rule, "mechanical restraints" means any objects that restrict a child's mobility or ability to use his/her hands, arms, or legs. Medical and therapeutic equipment for the prevention and treatment of physical injury that are used and applied by order of a licensed physician are not mechanical restraints. *(Division of Family and Children; 470 IAC 3-12-17; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1983; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-18 "Needs assessment" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 18. As used in this rule, "needs assessment" means a written study which documents that the specific services offered by a child caring institution will be used by referral sources within the geographic area to be served. *(Division of Family and Children; 470 IAC 3-12-18; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1983; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-19 "Parent agency" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 19. As used in this rule, "parent agency" means the agency or governmental unit which has the administrative, supervisory, and service responsibility for the child caring institution. *(Division of Family and Children; 470 IAC 3-12-19; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1983; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-20 "Placing agency" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 20. As used in this rule, "placing agency" means a county department of public welfare, a juvenile probation department, or a child placing agency, as defined in IC 12-3-2-5 *[IC 12-3 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.]*, who places a child into a child caring institution. *(Division of Family and Children; 470 IAC 3-12-20; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1983; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-21 "Placing parent or guardian" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 21. As used in this rule, "placing parent or guardian" means a person who places his or her child into a child caring institution when the child is not a ward of the county or court. *(Division of Family and Children; 470 IAC 3-12-21; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1983; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-22 "Private secure facility" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 22. (a) As used in this rule, "private secure facility" means a locked living unit within an institution for gravely disabled children with chronic behavior that harms themselves or others.

(b) Locked detention or locked isolation rooms do not constitute a private secure facility. *(Division of Family and Children; 470 IAC 3-12-22; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1983; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-23 "Program director" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 23. As used in this rule, "program director" means the staff person responsible for the development, implementation, and supervision of the treatment programs. *(Division of Family and Children; 470 IAC 3-12-23; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1983; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-24 "Provisional license" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 24. As used in this rule, "provisional license" means a license issued to a child caring institution which is temporarily unable to conform to all rules of the SDPW. *(Division of Family and Children; 470 IAC 3-12-24; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1984; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-25 "Psychotropic medication" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 25. As used in this rule, "psychotropic medication" means a drug or substance which exerts an effect upon the mind and is capable of modifying mental activity. *(Division of Family and Children; 470 IAC 3-12-25; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1984; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-26 "SBH" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 26. As used in this rule, "SBH" means the Indiana state board of health. *(Division of Family and Children; 470 IAC 3-12-26; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1984; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-27 "SDPW" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 27. As used in this rule, "SDPW" means the state department of public welfare. *(Division of Family and Children; 470 IAC 3-12-27; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1984; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-28 "SFM" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 28. As used in this rule, "SFM" means the office of the state fire marshal. *(Division of Family and Children; 470 IAC 3-12-28; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1984; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-29 "Staff development" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 29. As used in this rule, "staff development" means an ongoing educational process to enhance skills which relate to

current employment. It may include, but is not limited to, workshops, reading, formal training, films, training by supervisors or consultants, and may be in subject areas such as child care, child development, emergency and first aid procedures, and behavior management. *(Division of Family and Children; 470 IAC 3-12-29; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1984; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-30 "Treatment plan" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 30. As used in this rule, "treatment plan" means a goal-oriented, time-limited, individualized program of action for a child and his or her family, developed by the child caring institution in cooperation with the placing agency and the family. *(Division of Family and Children; 470 IAC 3-12-30; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1984; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-31 "Variance" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 31. As used in this rule, "variance" means official permission granted by the SDPW to meet the intent of a specific rule in a way other than specified by the rule. *(Division of Family and Children; 470 IAC 3-12-31; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1984; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-32 "Waiver" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 32. As used in this rule, "waiver" means official permission granted by the SDPW not to meet a specific regulation. *(Division of Family and Children; 470 IAC 3-12-32; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1984; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-33 Licensing procedures
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 33. (a) The licensee shall submit a separate application for each license required.

(b) An application for a license to operate an emergency shelter care institution shall be submitted to the SDPW by the administrator or other person designated by the governing body on forms provided for that purpose by the SDPW.

(c) An application for renewal of licensure shall be submitted annually to the SDPW by an emergency shelter care institution which wishes to have its license renewed.

(d) A new child caring institution shall receive a six (6) month provisional license for its initial licensure to permit evaluation of the program by the SDPW.

(e) A child caring institution shall not care for children under the age of six (6) years.

(f) The license shall be posted in a conspicuous place in the child caring institution. *(Division of Family and Children; 470 IAC 3-12-33; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1984; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-34 Termination of license
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 34. (a) A license shall be terminated and a new application required whenever:

(1) the name of the licensee changes;
(2) the type of child caring institution changes;
(3) the address of the child caring institution changes; or
(4) the capacity, age range, or gender of children served changes.
(b) A license shall be terminated whenever the child caring institution closes. *(Division of Family and Children; 470 IAC 3-12-34; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1985; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-35 Waivers and variances
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 35. (a) The child caring institution shall submit a written request to SDPW for a waiver or variance as follows:
(1) For a waiver, the written request shall show documentation that compliance will create an undue hardship on the applicant.
(2) For a variance, the written request shall show documentation of the need and the alternate method of compliance.
(b) The SDPW shall review the written request based on but not limited to the following:
(1) On-site review, if applicable.
(2) Written documentation.
(3) Review of the requests by SDPW field consultants and administration.
(4) If applicable, SBH review and FPBSC approval as required under 675 IAC 12.
(c) The SDPW shall provide within ninety (90) days of the receipt of the written request, a written response of denial or approval.
(d) All decisions will be based on the best interests of the children in care and will not be adverse to their health, safety, or welfare. *(Division of Family and Children; 470 IAC 3-12-35; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1985; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-36 Reporting requirements
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 36. (a) The child caring institution shall report the following changes or events to the SDPW prior to occurrence:
(1) Change in licensed capacity.
(2) Major alterations or changes in buildings or in use of rooms.
(3) Addition or termination of program services offered.
(4) Changes in administrative personnel.
(5) Termination of services.
(6) Changes in discipline policies.
(7) Changes in confinement room policies, if applicable.
(b) The child caring institution shall report the following changes or events immediately upon occurrence:
(1) A fire on the premises of the child caring institution.
(2) A death or serious injury requiring treatment of a child in a hospital or emergency care facility.
(3) Any communicable disease requiring hospitalization of a child.
(4) Any suspected or known incidents or evidence of child abuse or neglect. Such a report does not replace any other duty as required under IC 31-6-11 *[IC 31-6 was repealed by P.L.1-1997, SECTION 157, effective July 1, 1997.]*.
(5) A court ordered placement that results in an excess in the number of children authorized by the license.
(Division of Family and Children; 470 IAC 3-12-36; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1985; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-12-37 Plan of operation
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 37. (a) Prior to initial licensure, the child caring institution shall submit to the SDPW the following documentation:
(1) Needs assessment.
(2) Purpose of child caring institution.
(3) Ages, gender, and type of children to be served.
(4) Location of child caring institution and geographic area from which children will be received.
(5) Type of buildings.
(6) Financial information for the following:
(A) For new construction and maintenance of building.
(B) For operation of the child caring institution and child care program.
(C) Regarding sources of income and fundraising methods.
(7) Program design for the children as follows:
(A) Emotional and social development.
(B) Education.
(C) Work program.
(D) Recreation.
(E) Nutrition.
(F) Medical and dental care.
(G) Clothing.
(H) Family involvement.
(I) Discipline.
(8) Administration is to include the following:
(A) Identification of the governing body or members of the board of directors including full name, address, and occupation of each.
(B) A plan for staffing including number and types of positions anticipated, job descriptions, and qualifications.
(b) The child caring institution shall operate in accordance with the written plan of operation. *(Division of Family and Children; 470 IAC 3-12-37; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1985; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-38 Governing body
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 38. (a) The child caring institution shall have a governing body which exercises authority over, and has responsibility for, the operation, policy, and practices of the facility.
(b) Employees, including the administrator, shall not constitute a majority membership in the governing body. *(Division of Family and Children; 470 IAC 3-12-38; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1986; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-39 Financial resources; accounting; insurance
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 39. (a) The child caring institution shall maintain financial resources to meet the rules established by the SDPW. The child caring institution shall document these resources and make such documentation available to the SDPW upon request.
(b) A new child caring institution shall certify that funds are available for the first three (3) months of operation.
(c) The child caring institution shall prepare an annual budget showing income according to sources and estimated expenditures classified according to the following:
(1) Salaries.
(2) Food.
(3) Clothing.
(4) Child development and child care program.

(5) Fixed expenses.

(6) Maintenance, repair, and replacement of furnishings and equipment.

(d) The child caring institution shall have an annual audit or financial review of all accounts by a certified public accountant appointed by the governing body. This accountant may not be a member of the governing body nor be an employee of a member of the governing body.

(e) Governmentally operated child caring institutions shall comply with any auditing requirements of the state of Indiana.

(f) The treasurer, administrator, and any other persons handling funds shall be bonded.

(g) Any child caring institution, which is not governmentally operated, shall carry insurance which includes the following:

(1) Public liability.

(2) Worker's compensation.

(3) Fire and disaster insurance on the property.

(h) The child caring institution shall carry or require staff to carry automobile liability and property damage insurance if the child caring institution uses an automobile, whether it is owned by the child caring institution, an employee, or a volunteer. *(Division of Family and Children; 470 IAC 3-12-39; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1986; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-40 Admission

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 40. (a) Admission policies shall be clearly defined and stated in writing. These policies shall clearly define categories of children which will not be accepted into care.

(b) The child caring institution shall have and make written notation of the following information at the time of admission:

(1) The information required under section 46(a)(1) through 46(a)(10) of this rule.

(2) The name and twenty-four (24) hour contact telephone number of the placing agency worker or parent or guardian.

(3) Indication of whether the parent or guardian has been notified.

(4) Identification of the family or other persons who may have contact with the child, the permitted means of contact, and any restrictions upon contacts.

(5) Any known medical problem including allergies, special dietary needs, or medication the child is taking.

(6) Release for emergency treatment signed by the placing agency, parent, guardian, or custodian.

(c) Within seventy-two (72) hours, or on the next working day of admission, the child caring institution shall have the following information:

(1) Any available health records, including immunization history.

(2) Release of information form signed by the placing agency, the parent or guardian for release of school records, and any existing psychological or psychiatric evaluations.

(d) When a child is unaccompanied by a placing agency or parent at the time of admission, the child caring institution shall attempt to get the information required under subsection (b) but shall not deny admission to a child solely on the inability to document this information.

(e) The child caring institution shall document efforts to notify the parent, guardian, or placing agency as applicable of the admission of the child within twenty-four (24) hours of the child's admission, if possible. If the parent cannot be located, the shelter shall notify the local child protection service within twenty-four (24) hours. *(Division of Family and Children; 470 IAC 3-12-40; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1986; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-41 Placement agreement

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 41. The child caring institution shall have a written placement agreement with the placing agency or placing parent or guardian which includes at least the following:

(1) Authorization to care for the child.

(2) Provision for treatment plan reviews, if applicable.
(3) Financial plan for payment of care and services covered.
(4) Permission for the child caring institution to seek routine and emergency medical, surgical, and hospital care.
(Division of Family and Children; 470 IAC 3-12-41; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1987; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-12-42 Personnel policies
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 42. (a) The child caring institution shall establish and follow written policies regarding employment, compensation, and terms and conditions of work. The written personnel policies shall be made available and known to each employee at the time of employment.
(b) The qualifications, duties, responsibilities, and authority of each person shall be defined and stated in writing.
(c) The child caring institution shall maintain an organizational chart.
(d) The child caring institution shall inform staff of the rules for child caring institutions and written operating policies, and shall make these documents available to staff for review.
(e) Each employee, including the administrator, shall receive a written evaluation of individual performance at least annually.
(Division of Family and Children; 470 IAC 3-12-42; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1987; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-12-43 Record keeping; general
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 43. (a) The child caring institution shall make all records pertaining to personnel and children in care available for SDPW, SBH, and SFM review.
(b) The child caring institution shall make medical records of children and staff available for SDPW and SBH review.
(c) Children's records shall be available only to the child, the placing agency, parent, guardian, or any of their written designees in addition to SDPW, SBH, and SFM. The local school corporation shall have access to children's records to the extent necessary to provide educational services and only in compliance with statutory requirements regarding confidentiality and access.
(Division of Family and Children; 470 IAC 3-12-43; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1987; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-12-44 Personnel records
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 44. (a) The child caring institution shall establish and maintain an individual record for each staff member.
(b) The record shall include the following information prior to employment:
(1) Application.
(2) Name, address, and telephone number.
(3) Name, address, and telephone number of the person to be notified in the event of an emergency.
(4) Documentation of training, education, experience, and any other required qualifications.
(5) Reference notes or reports, with evaluations of ability, character, and suitability for working with children.
(6) Signed, notarized criminal history affidavit.
(c) The record shall include the following information after employment:
(1) Documentation of initial physical examination and results of Mantoux tuberculin testing.
(2) Annual report of Mantoux tuberculin test results.
(3) Annual evaluation of employee's performance.

(4) Documentation of workshops or training sessions attended and of courses of study successfully completed.
(5) Dates of employment and termination with any reason for termination.
(6) Copies of any incident report involving the staff member.
(Division of Family and Children; 470 IAC 3-12-44; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1987; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-12-45 Volunteer records
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 45. The child caring institution shall maintain a record of the following information for each volunteer:
(1) Name, address, and telephone number.
(2) Name, address, and telephone number of the person to be notified in the event of an emergency.
(3) Documentation of reference with an evaluation of the following:
(A) Ability, character, and suitability for working with children.
(B) Orientation and training, as required under section 54 of this rule.
(4) Documentation of initial physical examination and annual Mantoux tuberculin testing, if working in food service, or if having direct contact with children.
(Division of Family and Children; 470 IAC 3-12-45; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1988; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-12-46 Child's records
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 46. (a) The child caring institution shall maintain a record of the following information for each child admitted:
(1) Name.
(2) Sex.
(3) Date of birth.
(4) Name, address, and marital status of both parents.
(5) Name, age, and address of child's brothers and sisters, step or half-brothers and sisters, and near relatives.
(6) Religious information necessary to provide appropriate services.
(7) Information upon which the admission decision was based.
(8) Name of agencies which have had contact with the child and the family and dates of contacts.
(9) Name and address of person or placing agency requesting admission.
(10) Date of admission.
(11) Written agreement with the placing agency or person.
(12) A copy of the court order or other document authorizing placement of the child in the child caring institution.
(13) SDPW case plan, if applicable.
(14) Documentation of any discipline of a child which results in an injury.
(15) School report, including teachers' evaluation of child's progress.
(16) Report by any specialist, such as psychiatrist or psychologist, if applicable.
(17) Discharge information required under section 67 of this rule.
(b) The child caring institution shall keep case records confidential and shall safeguard against the possibility of loss by fire, theft, or destruction.
(c) Staff entries in case records shall be dated and signed.
(d) The child caring institution shall keep each child's case record for at least five (5) years after the child is discharged. For records older than five (5) years, the child caring institution shall retain at least the information required by subsection (a)(1) through (a)(5), (a)(10), (a)(12), and (a)(17). *(Division of Family and Children; 470 IAC 3-12-46; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1988; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-47 Employee qualifications; generally
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 47. The child caring institution shall employ staff who are qualified by education, training, and experience for their assigned responsibility. An employee who is in a position on the effective date of this rule and who was qualified for that position under the previous rule 470 IAC 3-3 *[470 IAC 3-3 was repealed filed Jun 27, 1991, 12:00 p.m.: 14 IR 1981.]*, is exempted from this rule. *(Division of Family and Children; 470 IAC 3-12-47; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1988; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-48 Administrative and supervisory personnel
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 48. (a) The child caring institution shall employ staff to perform administrative, supervisory, service, and direct care functions.

(b) Functions may be combined only upon the approval of the SDPW.

(c) When nondirect care functions have been approved by SDPW and are combined, the staff member shall meet the requirements for each function.

(d) The administrator shall be at least twenty-five (25) years of age and shall have one (1) of the following:

(1) A master's degree in social work, counseling, social work administration, or a related human service degree, from an accredited school, and two (2) years of experience in the management or supervision of child care personnel and programs.

(2) A bachelor's degree in social work or a human service area of study from an accredited school and four (4) years of experience in the management or supervision of child care personnel and programs.

(e) If the administrator is responsible only for personnel, fiscal management, and physical facilities and is not responsible for the programs and services of the institution, the institution may employ an administrator who has a bachelor's degree from an accredited school and two (2) years of experience in child care services. However, in this case, the institution shall employ a program director who meets the qualifications set forth in subsection (d).

(f) When the position of administrator is vacated, the governing body shall designate a qualified person to act as administrator.

(g) The program director shall have one (1) of the following:

(1) A master's degree in social work or a master's degree in a human service area of study from an accredited school.

(2) A bachelor's degree in social work or a bachelor's degree in a human service area of study from an accredited school plus two (2) years of experience in child care services.

(h) The supervisory staff member responsible for supervising, evaluating, and monitoring the functions of the caseworkers, as defined under section 49 of this rule shall have a master's degree in social work, psychology, or counseling from an accredited school plus one (1) year of experience supervised by a person with a master's degree in social work, psychology, or counseling.

(i) The staff member responsible for supervising, evaluating, and monitoring the daily work and progress of the direct care workers shall have one (1) of the following:

(1) A bachelor's degree and one (1) year of work experience in a child caring institution.

(2) Two (2) years of college and two (2) years of work experience in a child caring institution.

(3) A high school diploma and four (4) years of work experience in a child caring institution.

(Division of Family and Children; 470 IAC 3-12-48; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1989; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-12-49 Professional personnel
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 49. (a) The staff, hereafter referred to as caseworker, who perform casework or group work tasks, counseling with children and their families, or planning of services for children and their families, shall have a master's degree in social work,

psychology, or counseling from an accredited school. The caseworker may have a bachelor's degree in social work, psychology, counseling, or a related area of study from an accredited school if under the supervision of a person holding a master's degree in social work, psychology, or counseling.

(b) Professional staff which are full-time, part-time, or consulting, including psychologists, psychiatrists, physicians, dentists, teachers, and nurses, shall meet the respective licensing or certification requirements of their profession in the state of Indiana.

(c) The institution shall have at least one (1) caseworker as defined by this section for every twenty-four (24) children in care.

(d) The institution shall employ a supervisor for casework staff when the institution employs six (6) or more caseworkers. *(Division of Family and Children; 470 IAC 3-12-49; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1989; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-50 Direct care personnel; child-staff ratios

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 50. (a) The staff members responsible for the daily direct care and supervision of the children shall be at least twenty-one (21) years of age and shall have at least a high school or equivalency diploma.

(b) The institution shall count all children who live with their parents at the institution in determining the child-staff ratios. A houseparent who serves in that capacity on the effective date of this rule and who was qualified for that position under the previous rule 470 IAC 3-3 *[470 IAC 3-3 was repealed filed Jun 27, 1991, 12:00 p.m.: 14 IR 1981.]*, is exempted from the specific requirements for these child-staff ratios.

(c) The institution shall maintain a ratio of at least one (1) direct care worker on duty to every twelve (12) children while children are awake. While children are sleeping, the ratio shall be at least one (1) direct care worker to every twenty (20) children.

(d) When there are three (3) or more children under eight (8) years of age in the living unit, the institution shall maintain a ratio of at least one (1) direct care worker to every six (6) children, whether the children are awake or asleep.

(e) When a group of twelve (12) or fewer children is under the care of one (1) employee, the institution shall have a written plan for that employee to summon another adult to immediately assist in case of an emergency without leaving the children unattended.

(f) These child-staff ratios shall be maintained at group off-grounds activities. *(Division of Family and Children; 470 IAC 3-12-50; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1989; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-51 Volunteers

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 51. (a) A child caring institution which utilizes volunteers shall have and follow a written plan. The plan shall include provision for the following:

(1) Reference checks.

(2) Supervision by a paid staff member.

(3) Orientation and training in the philosophy of the child caring institution, the needs of children in care, and the methods of meeting those needs.

(b) If volunteers are in direct contact with the residents, they shall meet the same age and health requirements as paid direct care staff. *(Division of Family and Children; 470 IAC 3-12-51; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1990; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-52 Students

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 52. Graduate or undergraduate students in a field work placement at the child caring institution shall be subject to the general personnel policies of the child caring institution, but shall not be considered or used as substitutes for employed staff.

(Division of Family and Children; 470 IAC 3-12-52; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1990; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-12-53 Relief staff
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 53. (a) The child caring institution shall employ a sufficient number of qualified persons to provide care and supervision for the children at all times.

(b) The child caring institution shall operate and maintain the program without depending on the work of the children or detracting from the primary work of direct care workers in the care and supervision of children.

(c) The child caring institution shall provide planned relief for direct care staff. The child caring institution shall have qualified relief staff to substitute for direct care staff for sick leave, vacation, relief time, and other absences.

(d) The administrator shall designate in writing a staff member on the premises to be in charge when the administrator is absent. The designated staff member shall have sufficient knowledge of SDPW requirements and emergency procedures to make appropriate decisions. *(Division of Family and Children; 470 IAC 3-12-53; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1990; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-54 Staff development
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 54. (a) The child caring institution shall have a written plan for the orientation, ongoing training, and development of all staff members.

(b) The child caring institution shall provide each new staff member planned job orientation within two (2) weeks of the starting date of employment.

(c) Staff members working directly with children shall receive at least twenty (20) clock hours of training activities during each full year of employment. Part-time staff members shall receive at least ten (10) hours of training activities during each full year of employment. Activities related to supervision of the staff member's routine tasks shall not be considered training activities for the purposes of this section.

(d) The child caring institution shall document that each staff member working directly with children receives training in the following areas:

(1) Administrative procedures and overall program goals.
(2) Principles and practices of child care.
(3) Family relationships and the impact of separation.
(4) Behavior management techniques.
(5) Emergency and safety procedures.
(6) Identification and reporting of child abuse and neglect.

(e) Each direct care worker shall be trained in basic first aid techniques. Review courses shall be provided to direct care workers no less than every three (3) years. First aid training and review courses shall be in addition to the minimum training hours and subject areas required under this section.

(f) In addition to the training required under subsections (a) through (e), the child caring institution shall provide all staff having direct contact with the children with training in the following:

(1) An understanding of the nature of a crisis.
(2) Specific techniques for dealing with suicidal children.
(3) Verbal deescalation and therapeutic physical restraint techniques, if they are utilized.

(Division of Family and Children; 470 IAC 3-12-54; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1990; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-12-55 Daily routines
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 55. (a) The child caring institution shall provide the children with a daily routine which is planned to develop healthful habits in eating, sleeping, and exercising.

(b) The child caring institution shall provide each child with training and assistance in maintaining good habits of personal care and hygiene, including bathing, brushing teeth, grooming, and changing soiled or wet clothing as needed.

(c) The daily routine shall provide time for privacy and individual pursuits of each child, including provision for opportunity to be away from the group when it is necessary and safe for the child to be alone. *(Division of Family and Children; 470 IAC 3-12-55; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1991; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-56 Personal items
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 56. (a) The child caring institution shall provide each child with individually selected and fitted clothing, suitable for the child's age, sex, activities, and appropriate for the season and current weather conditions.

(b) The child caring institution shall involve the child in the selection, care, and maintenance of personal clothing as appropriate to the child's age and ability.

(c) The child caring institution shall allow each child to own and acquire clothing, toys, and personal belongings appropriate to age and development.

(d) The child caring institution shall provide storage space within reach of the child for personal possessions, clothing, and supplies.

(e) The child caring institution shall give all personal belongings and clothing to the child when care is terminated. *(Division of Family and Children; 470 IAC 3-12-56; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1991; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-57 Discipline and guidance
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 57. (a) The child caring institution shall have a written discipline policy and shall make the policy available to placement agencies, staff, parents, and children in care.

(b) Discipline and guidance shall be as follows:
(1) Consistent.
(2) Based on an understanding of individual needs and development.
(3) Promote self-discipline and acceptable social behavior.
(c) Children shall be treated kindly and humanely at all times.
(d) The administrator shall not use or permit any person to use any of the following:
(1) Cruel, harsh, or unusual punishment.
(2) Treatment which is mentally, physically, or emotionally abusive or neglectful.
(3) Any humiliating or frightening method to control the actions of any child or group of children.
(e) Children shall not be humiliated or subjected to degrading, abusive, or profane language.
(f) The child caring institution shall prohibit, as a method of discipline, the following:
(1) Confinement to a locked or dark room.
(2) Use of mechanical restraints.
(3) Undue confinement to bed.
(4) Deprivation of meals or snacks.
(5) Inappropriate assignment of work.

(6) Group discipline for an offense by an individual child.
(7) Any child or group of children punishing another child.
(8) Deprivation of visits or contact with parents, guardian ad litem, court appointed special advocate, or placing worker.
(Division of Family and Children; 470 IAC 3-12-57; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1991; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-12-58 Confinement rooms
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 58. (a) Prior to the establishment of a confinement room, the institution shall have written approval from the SDPW.
(b) A confinement room shall be used only when a child is in danger of harming himself or herself or others and has not responded to any other treatment approaches.
(c) A confinement room shall be used for treatment purposes only, not as a disciplinary measure nor as a substitute for supervision.
(d) The institution shall have and use written policies for the use of a locked confinement room. The policies shall include the following:
(1) Definition of the circumstances which justify the use of confinement.
(2) A maximum time period for each episode of confinement not to exceed one (1) hour unless extended as provided for in subsection (f).
(3) Record keeping of each confinement episode as noted in subsection (i).
(4) Clear designation of persons who have authority to approve or extend the confinement period.
(5) Directions for removal of all dangerous items from the child such as belts, shoelaces, jewelry, items in pockets, matches, and any other items which represent a potential hazard during confinement.
(e) Written policies for the use of confinement shall be distributed to staff, and there shall be documented orientation provided to staff in the policies and use of confinement.
(f) One (1) hour shall be the maximum period for confinement unless extensions are approved by the administrator, the program director, or by two (2) other professional staff members who are authorized to supervise the confinement policy and who do so in consultation with the treatment team. If confinement is needed after forty-eight (48) hours, an alternative treatment plan must be developed.
(g) An awake staff member in the immediate vicinity of the confinement room shall supervise the child at all times and shall make a visual check of the child at least every five (5) minutes.
(h) A review of the use of confinement shall be made quarterly by the administrator or the program director to analyze the therapeutic value of each confinement episode, safety considerations, appropriate utilization of confinement, and adherence to the general policy of confinement as established under subsection (d).
(i) An entry shall be made in a log or record book of each confinement episode. Recording shall include the following information:
(1) The circumstances leading to confinement.
(2) The period of time a child was confined.
(3) The time of the visual checks.
(4) Behavioral observations of the child.
(5) Specific notation of any extension of confinement including reasons for the extension and by whom approval for extension was given.
(j) Notation of each confinement shall be placed in the individual case record of the child.
(k) Confinement rooms shall be constructed and maintained in the following manner:
(1) In compliance with Group I, Division 3 occupancy under 675 IAC 13, the Indiana Building Code.
(2) Equipped and sized for therapeutic use with at least thirty-six (36) feet of floor space and eight (8) feet high ceilings.
(3) All doors, ceilings, and walls are constructed of such strength and material that no harm can come to the occupant.
(4) All switches controlling lights, ventilation, or other mechanical systems are on the outside of the room.
(5) No functional electrical outlets are located in the room.

(6) A window is provided to allow for a visual check of the child without entering the room.
(7) Windows are secured and protected so as to prevent harm to the occupant.
(8) Ceiling lights are provided, protected, and recessed.
(9) The room is heated, cooled, and ventilated as required under 675 IAC.
(10) A smoke detector is located in a position adequate to detect any smoke or fume hazard to the person confined.
(Division of Family and Children; 470 IAC 3-12-58; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1992; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-12-59 Mechanical restraints
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 59. (a) Mechanical restraints shall be used only if the child is a clear and present danger to himself/herself or others and therapeutic crisis intervention techniques have been attempted and failed or are diagnostically eliminated prior to use.
(b) If an institution uses mechanical restraints, the institution shall develop policies and procedures on their usage that include the following:
(1) Description of the types of mechanical restraints used.
(2) Criteria for use.
(3) Staff authorized to approve use.
(4) Staff authorized and trained to apply restraints.
(5) Procedures for application.
(6) Staff training requirements.
(7) Time limitations on use.
(8) Monitoring requirements while child is in restraints.
(c) Documentation of mechanical restraint training shall be in each employee's personnel record.
(d) An institution shall not use any form of restraint until the policies and procedures in subsection (b) have been approved by the SDPW.
(e) A record shall be maintained of each incident of mechanical restraint and placed in the child's record that includes the following information:
(1) Date and time of incident.
(2) Name of child.
(3) Form of restraint used.
(4) Length of time in restraint.
(5) Name and title of person who authorized use of restraint.
(6) Name and title of person applying the restraint.
(7) Name of person responsible for monitoring the child while in restraints.
(8) Description of child's behavior prior to, during, and after use of restraints.
(9) Treatment team assessment of the effectiveness of the restraint and future alternatives.
(Division of Family and Children; 470 IAC 3-12-59; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1993; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-12-60 Education
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 60. (a) Each child shall be given the same opportunity for education as other children in the community.
(b) Children who are wards of the SDPW shall attend only public schools or private schools with appropriately certified teachers by the state department of education for the age group and classes they teach. This requirement shall include any on-grounds schools.
(c) When children in residence attend a school off-grounds and when transportation to and from school is not provided by

the school, the child caring institution shall provide suitable transportation for the children.

(d) The child caring institution shall work with the placing agency, parent, or guardian to ensure that the child's education plan is in compliance with the Indiana school attendance laws.

(e) The child caring institution shall have and follow a written plan for meeting the educational needs of children who are unable to attend public school. *(Division of Family and Children; 470 IAC 3-12-60; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1993; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-61 Religion

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 61. (a) The child caring institution shall make available the opportunity to participate in religious activities in accordance with the child's religious faith in so far as is practical.

(b) The child caring institution shall have a written description of any religious orientation and of particular religious practices that are observed and expected of the child. The description shall be distributed to parents and the placing agency. *(Division of Family and Children; 470 IAC 3-12-61; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1993; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-62 Work experience

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 62. (a) The child caring institution may use work experience to provide a learning experience for children. The child caring institution shall not use such work experience as a substitute for staff members.

(b) The child caring institution may provide work experience and training which is appropriate to the age, health, and ability of the children in care. However, the child caring institution shall not require a child to do work which would interfere with time for school, study, and recreation periods, religious participation, normal community contacts, or visits with family. *(Division of Family and Children; 470 IAC 3-12-62; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1993; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-63 Recreation

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 63. (a) The child caring institution shall provide a written plan for indoor and outdoor recreational and social activities for the children. These activities shall be provided in accordance with the ages, abilities, and interest of the children participating.

(b) The child caring institution shall assign the responsibility for planning and maintaining a program of recreational and social activities to a staff member who is given adequate time to carry out the responsibility.

(c) The child caring institution shall provide the facilities needed for recreation and shall use community recreational and social facilities when available and suitable. *(Division of Family and Children; 470 IAC 3-12-63; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1994; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-64 Visiting; correspondence

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 64. (a) The child caring institution shall have written policies and procedures which provide for visits with families, mail, telephone calls, and other forms of children's communication with family, friends, and significant others.

(b) Denial of home visits shall be made only in accordance with the treatment plan as approved by the placing agency.

(c) The child caring institution shall prohibit overnight visits with staff or persons other than the child's family except as such

persons are identified by the treatment plan for the child and are approved by the placing agency.

(d) The child caring institution shall make writing material available to children in care. Each child shall have privacy in handling his or her correspondence.

(e) The child caring institution may require that a child open his or her mail in the presence of a staff member if there is reasonable fear that the contents other than the letter may harm the child or others. However, staff persons shall not have the right to withhold a child's correspondence without a court order. *(Division of Family and Children; 470 IAC 3-12-64; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1994; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-65 Transportation

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 65. (a) If the child caring institution provides for transportation of children and staff, any vehicle used shall be licensed in accordance with state law and shall be maintained in safe operating condition.

(b) The operator shall have a proper license to drive such vehicle.

(c) Children shall be loaded or unloaded only from the curb side of the vehicle and at the curb.

(d) Seat belts shall be used for each occupant at all times when the vehicle is in motion, unless the vehicle is specifically exempted by state law.

(e) Only that number of children and adults for whom there is comfortable seating space shall be transported in one (1) vehicle. No child shall be permitted to stand in the vehicle when being transported. *(Division of Family and Children; 470 IAC 3-12-65; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1994; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-66 Care plan; program; medical services

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 66. (a) An institution which is licensed for more than ten (10) children and which provides a long term treatment program in addition to shelter care services shall provide a separate living unit for the shelter care service. Institutions in operation on the effective date of this rule shall have three (3) years to comply with the rule for a separate living unit; however, new institutions which plan to provide shelter care service shall comply prior to initial licensure.

(b) The child caring institution shall not maintain any child in shelter care service for longer than sixty (60) days.

(c) After sixty (60) days, a child shall be transferred to the child caring institution's long term program or be removed from the shelter care service if the child caring institution does not provide a long term program.

(d) The child caring institution shall assess each child's situation within twenty-four (24) hours or on the next working day of admission and shall develop a written care plan. The plan shall be developed in conjunction with the placing agency or with the parents or guardian.

(e) The written care plan shall include the following:

(1) An assessment of the immediate needs of the child and family and the plan for meeting those needs.

(2) A written plan which states how the children will be supervised during the children's sleeping hours.

(3) The plan for visitation and telephone contact with family or significant others.

(4) The plan for education as defined in section 60 of this rule.

(5) The anticipated length of stay.

(6) Any known court dates.

(7) Any changes in the care plan and recorded observations made by direct care workers.

(f) Medical services shall be provided as follows:

(1) At the time of admission, a health evaluation checklist furnished by the SBH shall be utilized by the child caring institution to determine obvious health problems of the child.

(2) Any child suspected of being physically or sexually abused and who has not received medical attention shall receive a physical examination and communicable disease determination by a licensed physician immediately.

(3) Any child suspected of having a communicable disease or chronic disease that needs constant therapy shall receive a

physical examination by a licensed physician within forty-eight (48) hours of admission to the child caring institution.

(4) All other children shall have a physical examination and communicable disease determination by a licensed physician or nurse practitioner three (3) months prior to placement or within thirty (30) days after admission.

(5) The child caring institution shall have an agreement with an on-call licensed physician and the ability to arrange for emergency medical and dental examination and treatment.

(Division of Family and Children; 470 IAC 3-12-66; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1994; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-12-67 Discharge

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 67. (a) At the time of discharge, the child caring institution shall document the following in the child's case record:

(1) A written summary report of the care received by the child including any recommendations for the child and family.

(2) The date and reasons for discharge.

(3) The name, address, telephone number, and relationship of the person or agency to whom the child is released.

(b) The summary report shall be provided to the placing agency at the time of discharge.

(c) At the time of discharge, the child caring institution shall make a summary of health recommendations for the child available to the parents, guardian, placing agency, or other individual or agency to whom the child is released. *(Division of Family and Children; 470 IAC 3-12-67; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1995; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-68 Services to families

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 68. (a) The child caring institution shall make efforts to maintain on going contact with the child's parents, guardian, or other primary caretaker. The child caring institution shall encourage these persons to communicate and visit with the child in accordance with the care plan and in compliance with or subject to court orders and any limitations stated therein.

(b) The child caring institution shall encourage parents to assume responsibilities for the child and to cooperate with the child caring institution in carrying out its plans for him or her. The child caring institution shall document efforts to provide services to the child's family. *(Division of Family and Children; 470 IAC 3-12-68; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1995; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-69 Health program requirements; written plan

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 69. (a) The child caring institution shall submit a written, dated health program to the SBH on forms provided by that agency. The written program shall be approved by the SBH.

(b) The child caring institution and the consulting licensed physician shall review and revise as necessary the written program and shall submit the program to the SBH every two (2) years. *(Division of Family and Children; 470 IAC 3-12-69; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1995; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-70 Medical services; generally

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 70. (a) The child caring institution shall engage the services of a licensed physician and licensed dentist to provide medical and dental examinations and care for the children in the child caring institution.

(b) The child caring institution shall report each hospitalization or visit to emergency medical facilities to the placing agency

or the placing parent or guardian. *(Division of Family and Children; 470 IAC 3-12-70; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1996; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-71 First aid policies and practices

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 71. (a) The child caring institution shall establish written first aid policies for the care of illness or injury. The policies shall be dated and signed as approved by the consulting licensed physician. The child caring institution and the consulting licensed physician shall review the policies every two (2) years in conjunction with the written health program and revise them as necessary.

(b) First aid policies shall include, but are not limited to, directions for the care of the following:

(1) Poisoning.

(2) Seizures.

(3) Hemorrhaging.

(4) Artificial respiration.

(5) Choking.

(c) The child caring institution shall make the written first aid policies available to all staff and shall post them where they can be easily seen.

(d) Staff members shall have immediate access to the following:

(1) A telephone.

(2) The telephone numbers of the child caring institution's consulting licensed physician, consulting licensed dentist, and the nearest emergency medical facility.

(3) The telephone numbers for ambulance services, the local fire department, and the poison control center.

(4) The “Red Cross First Aid Manual” or its equivalent.

(5) First aid supplies, as specified by the child caring institution's consulting licensed physician.

(e) Staff members shall observe children for signs of illness or injury.

(f) The child caring institution shall keep first aid supplies in a place inaccessible to children, but easily accessible to staff. *(Division of Family and Children; 470 IAC 3-12-71; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1996; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-72 Medication; disbursement, application

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 72. (a) The giving or application of medication, providing dietary supplements, making special variations of diet, and carrying out medical procedures shall be done only on written order or prescription from a physician.

(b) Medication prescribed for an individual child shall be kept in the original container bearing the original pharmacy label showing the prescription number, date filled, physician's name, directions for use, and the child's name.

(c) When no longer needed, medication shall be returned to the physician or destroyed, and notation of such destruction or return shall be noted on the child's record. The child caring institution shall return unused portions of narcotic prescriptions to the prescribing physician or pharmacy.

(d) The consulting licensed physician's orders for “as needed” or over-the-counter medications shall be posted where such medications are stored.

(e) Medications shall not be administered past the expiration date.

(f) The staff member administering medication shall record the following information in the child's health record:

(1) The date and time of day when medication is given.

(2) Why it is given.

(3) How much is given.

(4) By whom administered.

(Division of Family and Children; 470 IAC 3-12-72; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1996; readopted filed Jul 12, 2001, 1:40

p.m.: 24 IR 4235)

470 IAC 3-12-73 Psychotropic medication
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 73. (a) The child caring institution shall provide psychotropic medications to a child only as prescribed by a licensed physician or licensed psychiatrist who has the responsibility for the diagnosis, treatment, and therapeutic planning for the child.

(b) The child caring institution shall obtain from the prescribing licensed physician a written report at least every thirty (30) days for each child receiving psychotropic medication. The written report shall state the reasons medication is being continued, discontinued, or changed, as well as any recommended changes in the care plan. The report shall be based on the licensed physician's review of reports by staff as well as the physician's actual observation of the child at least every ninety (90) days. *(Division of Family and Children; 470 IAC 3-12-73; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1996; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-74 Storage of medication
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 74. (a) The child caring institution shall store all medication in a locked cabinet, box, or drawer and in a safe place, not accessible to children.

(b) Medication not requiring refrigeration shall not be stored in the kitchen.

(c) Medication requiring refrigeration shall be stored in a plastic container covered and clearly labeled "medication". *(Division of Family and Children; 470 IAC 3-12-74; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1997; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-75 Health requirements for staff members
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 75. (a) Within thirty (30) days of employment, each staff member shall have a health examination which includes a Mantoux tuberculin test or chest x-ray and any other test and immunization considered necessary by the licensed physician. If the Mantoux tuberculin test is positive, the chest x-ray is mandatory. The health examination may have been conducted within three (3) months prior to employment.

(b) The child caring institution shall require an annual Mantoux tuberculin test of all field work students, food service personnel, and employees having direct contact with children.

(c) Volunteers having direct contact with children shall meet the same health examination requirements as paid staff.

(d) The child caring institution shall not permit employees who become ill or who return to work following illness to work in a capacity which may transmit disease or be detrimental to the health of the children or other employees.

(e) Children of resident staff members who live with their parents at the child caring institution shall be subject to the following immunization requirements:

(1) The child caring institution shall ensure that each child has received all immunizations and booster shots which are required by the SBH.

(2) All children shall be immunized against routine childhood diseases unless exempted by a licensed physician's statement.

(3) A child may be exempted from immunizations against routine childhood diseases upon the good faith religious belief statement of the parent or guardian.

(Division of Family and Children; 470 IAC 3-12-75; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1997; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-12-76 Nutrition and food service, menus, vendor service, education

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 76. (a) The child caring institution shall submit a written plan for nutrition and food services, including four (4) weeks of proposed menus to the SBH on forms provided by that agency. The written plan shall be approved by the SBH. The child caring institution shall submit a written revised plan for nutrition and food services to the SBH every two (2) years.

(b) The child caring institution shall provide the following:

(1) Regardless of the number of children served, a menu for three (3) meals a day; afternoon and evening snacks planned one (1) week in advance of serving, corrected as served, and kept on file for review by the SBH for a period of one (1) year.

(2) A current week's menu for all snacks and meals which shall be posted in the kitchen and eating area.

(3) Food preparation and service personnel with documentation of any special dietary prohibitions or substitutions for each child for whom such instructions are necessary, as based upon the written order of the child's physician.

(c) Vendor service, when used by the child caring institution, shall be approved by the SBH.

(d) The child caring institution shall provide nutrition education to the children and shall provide training in basic nutrition, sanitation, and guidance in planning nutrition education to the staff.

(e) The child caring institution shall provide meals and snacks that meet the dietary needs of each child as based on the current National Research Council Recommended Daily Allowances (NRC-RDA), according to each child's age, sex, and maturation.

(f) The child caring institution shall meet the following food requirements:

(1) Prepare and serve a planned breakfast. A staff person shall be responsible for and assist in breakfast preparation.

(2) Serve meals at times which meet the children's needs and which are spaced so that there are no unduly long periods without food. Additional portions of food shall be available for children and adults.

(3) Serve milk and milk products obtained from sources approved by the SBH. Reconstituted dry milk for drinking or skim milk shall not be served to children.

(4) Serve fruit juices that are one hundred percent (100%) fruit juice. All noncitrus juices served shall be fortified with Vitamin C.

(5) Serve ades and drinks, powders, and bases as supplements and not as substitutes for fruit juice or milk.

(6) Approve, in writing by a physician, all special or therapeutic diets.

(7) Serve food in a relaxed atmosphere and in a family style setting whenever possible. Proper table etiquette shall be encouraged.

(g) Table serving, dining room chairs, and tables shall be of age-appropriate size and construction for the children using them.

(h) Direct care workers shall eat with the children and shall receive the same food as the children except for special dietary needs of the workers or the children.

(i) All food shall be prepared, maintained, and stored properly to assure flavor, appearance, and nutritive value.

(j) The institution shall operate the kitchen and any other food preparation and food service area in compliance with 410 IAC 7-15.1 *[410 IAC 7-15.1 was repealed filed Mar 30, 2000, 3:51 p.m.: 23 IR 1984. See 410 IAC 7-20.]*, food service sanitation requirements, as adopted on November 3, 1983, and any successive changes.

(k) The institution shall keep a copy of 410 IAC 7-15.1 *[410 IAC 7-15.1 was repealed filed Mar 30, 2000, 3:51 p.m.: 23 IR 1984. See 410 IAC 7-20.]* in the kitchen at all times for reference.

(l) The institution shall not serve any food items prepared in a home kitchen with the exception of holidays and birthdays.

(m) Any food once served or placed in nontemperature controlled serving dishes shall be disposed of.

(n) Work and cleaning schedules shall be written, posted, and followed for all the food storage, preparation, and service areas.

(o) The kitchen shall not be used for children's play activities, as dining or recreation areas for adults, or as an office.

(p) The kitchen shall have floor to ceiling walls with doors for doorways and closures for serving windows for all institutions established after promulgation of this rule.

(q) Institutions which provide and use separate cooking and eating facilities for each living unit of ten (10) or fewer children may substitute the following requirements in lieu of subsections (j) through (p):

(1) The kitchen shall meet state and local codes for one (1) family residence and shall be approved by the SBH.

(2) The kitchen shall be equipped with the following:

(A) A stove.

(B) A refrigerator.
(C) Closed cabinets for food and utensil storage.
(D) A two (2) compartment sink and an automatic dishwasher, or a three (3) compartment sink.
(E) Light and ventilation.
(F) Walls and ceilings that are smooth and easily washed.
(G) Counter surfaces that are smooth and free of cracks and seams.

(Division of Family and Children; 470 IAC 3-12-76; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1997; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-12-77 Building, grounds, and equipment

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 77. (a) The building of the child caring institution shall conform to the requirements in this section and have the approval of the SBH, SFM, and FPBSC as required under 675 IAC 12.

(b) The building of the child caring institution shall not be located where any conditions exist that would be hazardous to the physical or moral welfare of the children.

(c) The child caring institution shall be equipped with a proper heating plant and capacity sufficient to maintain all housing units at a temperature of not less than sixty-eight degrees Fahrenheit (68°F) under severest weather conditions. Thermostatic control shall be maintained where feasible.

(d) An institution shall provide safe and protected outdoor playground space. The space shall allow for the separation of older and younger children.

(e) The child caring institution shall provide indoor and outdoor play equipment. The equipment shall be safe, repaired as needed, and sufficiently varied to meet the needs of the children according to age, size, and social development. *(Division of Family and Children; 470 IAC 3-12-77; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1998; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-78 Space requirements; furnishings

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 78. (a) The child caring institution shall provide the following:
(1) Indoor living space sufficient to permit the separation of children engaged in quiet activities and in active play.
(2) Indoor play space for younger children separate and apart from that provided for older children.
(3) Space for children to study and read.

(b) The child caring institution shall provide the following:
(1) Separate sleeping quarters for male and female children.
(2) At least fifty (50) square feet of floor space or five hundred (500) cubic feet of air space for each child in sleeping rooms.
(3) At least three (3) feet of space between sides and ends of each single bed.
(4) At least five (5) feet of space between sides and ends of bunk beds. There shall be sufficient space to allow each occupant of the bunk to sit up in bed.

(c) The child caring institution shall provide an individual bed and mattress for each child. The bed shall be of age-appropriate construction, sufficient size for the child using it, and shall be up off the floor.

(d) The child caring institution shall provide bedding as follows:
(1) Mattress protection pad.
(2) Two (2) sheets, a pillow, pillow case, and bed covering sufficient for the comfort of the child.
(3) Clean sheets and pillow cases as often as required for cleanliness and sanitation, and at least once a week.
(4) Water-resistant bed pads for enuretic children and they shall have their linens changed as often as they are wet.

(e) The child caring institution shall provide a private bedroom, separate and apart from the children, for each resident staff member, except that one (1) bedroom for a resident married couple shall meet this requirement.

(f) The child caring institution shall provide the following for the care of a sick child:

(1) Adequate space to permit the isolation of a child who has a communicable disease, or other illness requiring separation. While being used for illness, a room used for isolation shall not be used for any other purpose and shall be closed off from other rooms.
(2) A room which is well-ventilated and heated.
(3) Sanitation of all furnishings after each use for isolation for a communicable disease.
(g) The child caring institution shall provide furnishings which are as follows:
(1) Safe and room appropriate for use.
(2) Maintained and repaired as needed.
(3) Sufficiently varied to meet the needs of the children according to their age, size, and social development.
(h) The child caring institution shall provide a study area which includes the following:
(1) Tables or desks.
(2) Chairs.
(3) Appropriate lighting for reading.
(Division of Family and Children; 470 IAC 3-12-78; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1999; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-12-79 Maintenance and safety
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 79. (a) The buildings and premises of each child caring institution shall at all times be maintained in a clean, safe, and sanitary condition and in a good state of repair.
(b) The child caring institution shall maintain the following safety precautions:
(1) Keep poisons and harmful chemicals under lock.
(2) Store other hazardous materials and equipment including cleaning supplies, polishes, bleaches, detergents, matches, and tools in a place locked to children.
(3) Prohibit the storage and use of firearms on the property.
(4) Provide adult supervision whenever power equipment is being used by children.
(5) Maintain or repair outdoor play space and grounds of the child caring institution and keep free from observable hazards.
(c) A person holding at least a Red Cross advanced life saving certificate, or YMCA equivalent, shall be on duty at all times when a swimming pool or other swimming area is in use. A minimum of two (2) flotation lifesaving devices shall be provided for each pool or swimming area. *(Division of Family and Children; 470 IAC 3-12-79; filed Jun 27, 1991, 12:00 p.m.: 14 IR 1999; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-80 SBH requirements; water supply and water treatment
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 80. (a) An adequate water supply of a safe, sanitary quality shall be obtained from a water source or system approved by the SBH.
(b) Connection to a public water supply is required when available within a reasonable distance, not to exceed three hundred (300) feet.
(c) If a private well is used, water shall be potable and of adequate quantity. The well shall meet the construction standards under 410 IAC 6-10 and shall be approved by the SBH.
(d) The construction of a new water well or major alterations to an existing well shall be approved by the SBH.
(e) Drinking water shall be available to the children at all times.
(f) If drinking fountains are provided, they shall be of the sanitary type with guarded angular stream drinking fountain heads and shall be so constructed and located as to be accessible for use by the children at all times but shall not be located in a bathroom.
(g) If drinking fountains are not provided, individual single service cups shall be provided in a sanitary dispenser and used only once.

(h) All plumbing fixtures shall discharge into a public sanitary sewer whenever available within a reasonable distance, not to exceed three hundred (300) feet, or whenever soil conditions prohibit the construction of an adequate on-site system.

(i) Where a municipal sewage treatment system is not available and a private system is used, the sewage treatment system shall meet the requirements of 410 IAC 6-10 and shall be approved by the SBH.

(j) New plumbing equipment shall meet the requirements of the SBH and shall be approved by that agency. *(Division of Family and Children; 470 IAC 3-12-80; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2000; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-81 Bath, toilet facilities, and ventilation

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 81. (a) All bathing and handwashing facilities for children shall be provided with hot and cold running water. The child caring institution shall use automatic hot water control valves that maintain the hot water temperature at the point of use between one hundred degrees Fahrenheit (100°F) and one hundred twenty degrees Fahrenheit (120°F).

(b) The institution shall provide separate bathrooms for boys and girls.

(c) The institution shall provide at least one (1) wash basin for every four (4) children.

(d) The institution shall provide at least one (1) flush toilet for every eight (8) children, with partitions between individual toilets and private screening in front of the toilets.

(e) The institution shall provide at least the following:

(1) One (1) bath tub or shower for every eight (8) children.

(2) A minimum of one (1) bath tub as may be needed for medical reasons.

(f) Bathing, handwashing, and toilet facilities shall be accessible and age-appropriate to the group served.

(g) The institution shall provide staff with bath and toilet facilities separate from those of the children.

(h) Each toilet shall be provided with toilet tissue which is dispensed in a sanitary manner.

(i) All windows which open, doors not equipped with panic hardware or equivalent, ventilators, and other outside openings shall be protected against insects by at least sixteen (16) mesh screening which is securely fastened as the season requires. *(Division of Family and Children; 470 IAC 3-12-81; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2000; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-82 Swimming pools

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 82. (a) Swimming pools shall be constructed in accordance with 675 IAC 20, maintained and operated in accordance with 410 IAC 6-2.

(b) Outdoor swimming pools shall be fenced. The gate shall be locked when the pool is not in use.

(c) Indoor pools shall be secured to prevent accidental entry or unauthorized use. *(Division of Family and Children; 470 IAC 3-12-82; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2001; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-83 Pets

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 83. Pets which are a potential source of rabies shall be immunized as needed against rabies. *(Division of Family and Children; 470 IAC 3-12-83; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2001; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-84 Fire prevention and building safety plan, design, and construction

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 84. (a) The institution shall be designed for the protection and well-being of the children. Buildings shall be structurally sound and repaired as needed.

(b) Prior to construction of any new building, conversion of an existing building, major alteration to an existing building, or addition to an existing building, complete plans and specifications shall be submitted to the office of the state building commissioner as required under 675 IAC 12-6.

(c) The institution shall comply with FPBSC construction rules under 675 IAC.

(d) The institution shall not house, care for, or maintain or permit to be maintained a child above the second floor of a building.

(e) Whenever sixteen (16) or more children are housed in a building, that building shall be equipped with an automatic sprinkler system unless the children are divided into living units of less than sixteen (16) children each and each unit is separated from adjoining units in the same building by a two (2) hour fire resistive construction as required under 675 IAC 13.

(f) Interior finish of all buildings shall comply with the rules of the FPBSC under 675 IAC. *(Division of Family and Children; 470 IAC 3-12-84; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2001; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-85 Heat, light, and ventilation

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 85. (a) Heating, lighting, and ventilation shall comply with 675 IAC.

(b) When natural light is insufficient in buildings, it shall be supplemented by artificial light, properly diffused and distributed. All lighting intensity measurements shall be at the level of work or, in rooms or hallways where no work is done, at a height of thirty (30) inches above the floor. The following average levels of illumination are to be maintained:

(1) Study areas, table top work areas: minimum average of fifty (50) foot-candles.

(2) Toilet rooms, bathing facilities, sleeping areas, dining rooms, stairways: minimum average of twenty (20) foot-candles.

(3) Corridors: minimum average of fifteen (15) foot-candles.

(c) All gas equipment and appliances in the buildings shall comply with 675 IAC.

(d) The institution shall fully comply with 675 IAC regarding the use of liquified petroleum gas, natural gas, fuel oil, and other heating methods.

(e) Open grate gas heaters, portable electric heaters, or other portable heaters, shall not be used by the institution.

(f) If combustion space heaters are used they shall be:

(1) installed with permanent connections and protectors;

(2) vented directly to the outside; and

(3) approved as required under 675 IAC 12 prior to installation.

(Division of Family and Children; 470 IAC 3-12-85; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2001; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-12-86 Electrical equipment, plumbing, and combustible materials

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 86. (a) All wiring in the building shall comply with 675 IAC 17, the Indiana electrical rules and shall be approved as required under 675 IAC 12.

(b) Receptacles and outlets serviced by extension cord type wiring are prohibited.

(c) New plumbing equipment shall meet the requirements under 675 IAC 16.

(d) If a gas water heater is used, it shall be vented as required under 675 IAC 18.

(e) The institution shall be kept free from fire hazards. Combustible materials such as paper, rags, excelsior, and other flammable materials shall not be permitted to accumulate upon the premises. Dust and grease shall be regularly cleaned from hoods above stoves and other equipment.

(f) All flammable liquids shall be in tightly sealed containers when not in use and shall be stored on the premises only in such quantities and in such rooms as are specifically allowed under 675 IAC. Such rooms shall be locked to children.

(g) The construction of rooms housing flammable or combustible materials on the premises shall comply with 675 IAC and shall be approved as required under 675 IAC 12. *(Division of Family and Children; 470 IAC 3-12-86; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2001; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-87 Halls, windows, doors, and exits
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 87. (a) All stairways, halls, aisles, corridors, and exits shall be lighted at all times and free of any obstructions.

(b) All interior exit stairways shall be enclosed in accordance with 675 IAC unless equivalent fire protection is provided as determined under 675 IAC.

(c) Exits shall not pass through kitchens, storerooms, bathrooms, closets, or spaces used for similar purposes.

(d) The occupant load for which means of egress shall be provided for any floor shall be determined in accordance with 675 IAC.

(e) All buildings shall have openings consisting of windows or doors in accordance with 675 IAC.

(f) Windows which are hazardous to children shall be equipped with screens or guards which shall be attached in such a way that they may either be removed from the outside or broken into from the outside in case of fire.

(g) All exit doors shall be readily accessible and usable at all times, shall swing in the direction of exit travel, and shall discharge directly to the outside. Exit doors shall be equipped with panic hardware or the equivalent, when required, in accordance with 675 IAC.

(h) Every interior door shall be such that children can open the door from the inside, except that a confinement room may be locked as provided under section 58 of this rule.

(i) Bathroom door locks shall be designed to permit opening a locked door from the outside in an emergency. The opening device shall be readily accessible to the staff. *(Division of Family and Children; 470 IAC 3-12-87; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2002; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-12-88 Safety equipment and procedures
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 88. (a) A fire and smoke alarm system shall be submitted for approval as required under 675 IAC 12. Plans and specifications for both systems shall be submitted as required under 675 IAC 12.

(b) Access to exits shall be indicated by visible exit signs as required under 675 IAC 13.

(c) Emergency lighting shall be provided in all interior stairs and corridors.

(d) Fire extinguishers or other firefighting equipment shall be provided as directed under 675 IAC.

(e) The fire extinguishers shall be plainly visible and easily accessible at all times.

(f) The cooking area shall be protected with a minimum of one (1) 5-B:C rated portable fire extinguisher or more as required by NFPA 10, as adopted under 675 IAC 22.

(g) All cooking equipment shall conform to 675 IAC.

(h) The institution shall have written, posted evacuation procedures in case of fires and other emergencies. The procedures shall be taught to all staff as a part of their orientation. Disaster evacuation procedures shall be posted in all living units.

(i) Fire drills shall be conducted monthly and noted in the records or reports of the institution for review. *(Division of Family and Children; 470 IAC 3-12-88; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2002; errata filed Jul 1, 1991, 11:00 a.m.: 14 IR 2066; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

Rule 13. Private Secure Facilities

470 IAC 3-13-1 Applicability
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 1. (a) This rule applies to all institutions licensed by the SDPW as private secure facilities.

(b) Group homes shall not be licensed as private secure facilities.

(c) A licensee caring for more than ten (10) children may be issued and hold one (1) of the following combinations of licenses concurrently as a single facility:

(1) A license to operate an institution under 470 IAC 3-11.

(2) A license to operate an emergency shelter care under 470 IAC 3-12.

(3) A license to operate an institution under 470 IAC 3-11 and a license to operate an emergency shelter care under 470 IAC 3-12.

(4) A license to operate an institution under 470 IAC 3-11 and a license to operate a private secure facility under this rule.

(5) A license to operate an institution under 470 IAC 3-11, a license to operate an emergency shelter care under 470 IAC 3-12, and a license to operate a private secure facility under this rule.

(Division of Family and Children; 470 IAC 3-13-1; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2003; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-13-2 "Administrator" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 2. As used in this rule, "administrator" means the person designated by the governing body and responsible for the general management and administration of the child caring institution. *(Division of Family and Children; 470 IAC 3-13-2; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2003; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-3 "Admission" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 3. As used in this rule, "admission" means the process of entering a child in a child caring institution. *(Division of Family and Children; 470 IAC 3-13-3; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2003; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-4 "Application" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 4. As used in this rule, "application" means the forms and methods by the SDPW to gather information about and document the intent to operate a child caring institution. The application includes the completion of the appropriate SDPW form, a signed, notarized criminal history affidavit, a financial statement, and any requests for waivers or variances from the agency. *(Division of Family and Children; 470 IAC 3-13-4; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2003; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-5 "Children's home" or "child caring institution" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 5. As used in this rule, "children's home" or "child caring institution" means a children's home, an orphanage, an institution, a shelter care facility, a private secure facility, or other place maintained or conducted by any group of individuals, or political subdivision engaged in:

(1) receiving and caring for dependent children, children in need of services, or delinquent children; or

(2) operating for gain a private business of boarding children who are unattended by a parent, guardian, or custodian.

(Division of Family and Children; 470 IAC 3-13-5; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2003; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-13-6 "Communicable disease" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 6. As used in this rule, "communicable disease" means an illness due to an infectious agent or its toxic products which is transmitted directly or indirectly to a well person from an infected person, animal, or arthropod, or through the agency of an intermediate host, vector, or the inanimate environment. *(Division of Family and Children; 470 IAC 3-13-6; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2003; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-7 "Confinement room" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 7. As used in this rule, "confinement room" means a locked room which is used for the exclusive purpose of isolating a child in order to help the child control his or her behavior. *(Division of Family and Children; 470 IAC 3-13-7; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2004; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-8 "Corporal punishment" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 8. As used in this rule, "corporal punishment" means any kind of punishment inflicted upon the body. Corporal punishment includes, but is not limited to, slapping, hitting, spanking, pinching, and pushing. *(Division of Family and Children; 470 IAC 3-13-8; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2004; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-9 "Emergency shelter" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 9. As used in this rule, "emergency shelter" means a short term place of residence, other than a secure facility that:
(1) is not locked to prevent a child's departure unless the administrator determines that locking is necessary to protect the child's health; and
(2) provides twenty-four (24) hours a day temporary care for not more than sixty (60) consecutive days to an individual child six (6) years of age or older admitted on an emergency basis.
(Division of Family and Children; 470 IAC 3-13-9; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2004; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-13-10 "Food service" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 10. As used in this rule, "food service" means the preparation and serving of meals and snacks. *(Division of Family and Children; 470 IAC 3-13-10; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2004; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-11 "FPBSC" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 11. As used in this rule, "FPBSC" means the fire prevention and building safety commission. *(Division of Family and Children; 470 IAC 3-13-11; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2004; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-12 "Governing body" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 12. As used in this rule, "governing body" means the person, or group of persons, which has the ultimate administrative, fiscal, and managerial control of a child caring institution. *(Division of Family and Children; 470 IAC 3-13-12; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2004; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-13 "Group home" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 13. As used in this rule, "group home" means a type of child caring institution licensed for ten (10) or fewer children, six (6) years of age or older, who are apart from their parents or guardian on a twenty-four (24) hour a day basis and who have demonstrated the ability to follow direction and take appropriate action for self-preservation. *(Division of Family and Children; 470 IAC 3-13-13; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2004; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-14 "Institution" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 14. As used in this rule, "institution" means a type of child caring institution licensed for more than ten (10) children. Nothing in 470 IAC 3-11 or 470 IAC 3-12 shall preclude an institution caring for ten (10) or less children from being licensed under 470 IAC 3-11 or 470 IAC 3-12. *(Division of Family and Children; 470 IAC 3-13-14; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2004; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-15 "License" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 15. As used in this rule, "license" means a document authorizing the operation of a child caring institution at a specific address, the number of children which may be cared for, the age range and gender of the children, and the expiration date of the authorization. *(Division of Family and Children; 470 IAC 3-13-15; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2004; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-16 "Living unit" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 16. As used in this rule, "living unit" means the building or part of a building which contains separate living, sleeping, and sanitation facilities for a group of children who eat, sleep, and have some of their daily activities apart from other groups of children. *(Division of Family and Children; 470 IAC 3-13-16; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2004; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-17 "Mechanical restraints" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 17. As used in this rule, "mechanical restraints" means any objects that restrict a child's mobility or ability to use his/her hands, arms, or legs. Medical and therapeutic equipment for the prevention and treatment of physical injury that are used and applied

by order of a licensed physician are not mechanical restraints. *(Division of Family and Children; 470 IAC 3-13-17; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2005; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-18 "Needs assessment" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 18. As used in this rule, "needs assessment" means a written study which documents that the specific services offered by a child caring institution will be used by referral sources within the geographic area to be served. *(Division of Family and Children; 470 IAC 3-13-18; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2005; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-19 "Parent agency" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 19. As used in this rule, "parent agency" means the agency or governmental unit which has the administrative, supervisory, and service responsibility for the child caring institution. *(Division of Family and Children; 470 IAC 3-13-19; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2005; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-20 "Placing agency" defined
Authority: IC 12-13-5-3
Affected: IC 12-7-2-31; IC 12-17.4

Sec. 20. As used in this rule, "placing agency" means a county department of public welfare, a juvenile probation department, or a child placing agency, as defined in IC 12-3-2-5 *[IC 12-3 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.]*, who places a child into a child caring institution. *(Division of Family and Children; 470 IAC 3-13-20; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2005; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-21 "Placing parent or guardian" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 21. As used in this rule, "placing parent or guardian" means a person who places his or her child into a child caring institution when the child is not a ward of the county or court. *(Division of Family and Children; 470 IAC 3-13-21; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2005; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-22 "Private secure facility" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 22. (a) As used in this rule, "private secure facility" means a locked living unit of an institution for gravely disabled children with chronic behavior that harms themselves or others.

(b) Locked detention or locked isolation rooms do not constitute a private secure facility. *(Division of Family and Children; 470 IAC 3-13-22; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2005; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-23 "Program director" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 23. As used in this rule, "program director" means the staff person responsible for the development, implementation, and

supervision of the treatment programs. *(Division of Family and Children; 470 IAC 3-13-23; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2005; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-24 "Provisional license" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 24. As used in this rule, "provisional license" means a license issued to a child caring institution which is temporarily unable to conform to all rules of the SDPW. *(Division of Family and Children; 470 IAC 3-13-24; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2005; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-25 "Psychotropic medication" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 25. As used in this rule, "psychotropic medication" means a drug or substance which exerts an effect upon the mind and is capable of modifying mental activity. *(Division of Family and Children; 470 IAC 3-13-25; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2005; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-26 "SBH" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 26. As used in this rule, "SBH" means the Indiana state board of health. *(Division of Family and Children; 470 IAC 3-13-26; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2005; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-27 "SDPW" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 27. As used in this rule, "SDPW" means the state department of public welfare. *(Division of Family and Children; 470 IAC 3-13-27; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2005; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-28 "SFM" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 28. As used in this rule, "SFM" means the office of the state fire marshal. *(Division of Family and Children; 470 IAC 3-13-28; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2006; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-29 "Staff development" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 29. As used in this rule, "staff development" means an ongoing educational process to enhance skills which relate to current employment. It may include, but is not limited to, workshops, reading, formal training, films, training by supervisors or consultants, and may be in subject areas such as child care, child development, emergency and first aid procedures, and behavior management. *(Division of Family and Children; 470 IAC 3-13-29; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2006; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-30 "Treatment plan" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 30. As used in this rule, "treatment plan" means a goal-oriented, time-limited, individualized program of action for a child and his or her family, developed by the child caring institution in cooperation with the placing agency and the family. *(Division of Family and Children; 470 IAC 3-13-30; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2006; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-31 "Variance" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 31. As used in this rule, "variance" means official permission granted by the SDPW to meet the intent of a specific rule in a way other than specified by the rule. *(Division of Family and Children; 470 IAC 3-13-31; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2006; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-32 "Waiver" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 32. As used in this rule, "waiver" means official permission granted by the SDPW not to meet a specific regulation. *(Division of Family and Children; 470 IAC 3-13-32; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2006; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-33 Licensing procedures
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 33. (a) The institution shall submit a separate application for each license required.

(b) An institution shall meet all of the following conditions prior to being licensed as a private secure facility:

(1) The institution shall have been licensed for five (5) consecutive years as an institution and shall have provided a continuum of care or a full program of long term residential treatment during this same five (5) year period.

(2) Institutions whose primary placement program and care plan is short term, twenty-four (24) hour temporary care for not more than sixty (60) consecutive days to an individual child do not qualify as meeting the requirements of providing a continuum of care or a full program of long term residential treatment.

(c) The maximum client capacity of a private secure facility shall be fifteen (15) per living unit.

(d) An application for a license to operate a private secure facility shall be submitted to the SDPW by the administrator or other person designated by the governing body on forms provided for that purpose by the SDPW.

(e) An application for renewal of licensure shall be submitted annually to the SDPW by a private secure facility which wishes to have its license renewed.

(f) A newly licensed private secure facility shall receive a six (6) month provisional license for its initial licensure to permit evaluation of the program by the SDPW.

(g) A private secure facility shall not care for children under the age of six (6) years of age.

(h) The license shall be posted in a conspicuous place in the private secure facility. *(Division of Family and Children; 470 IAC 3-13-33; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2006; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-34 Termination of license
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 34. (a) A license shall be terminated and a new application required whenever:
(1) the name of the licensee changes;
(2) the type of child caring institution changes;
(3) the address of the child caring institution changes; or
(4) the capacity, age range, or gender of children served changes.
(b) A license shall be terminated whenever the child caring institution closes. *(Division of Family and Children; 470 IAC 3-13-34; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2006; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-35 Waivers and variances
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 35. A waiver or variance granted in conjunction with a license issued under 470 IAC 3-11, 470 IAC 3-12, 470 IAC 3-14, or 470 IAC 3-15 shall not constitute a waiver or variance for this rule. *(Division of Family and Children; 470 IAC 3-13-35; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2007; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-36 Reporting requirements
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 36. (a) The child caring institution shall report the following changes or events to the SDPW prior to occurrence:
(1) Change in licensed capacity.
(2) Major alterations or changes in buildings or in use of rooms.
(3) Addition or termination of program services offered.
(4) Changes in administrative personnel.
(5) Termination of services.
(6) Changes in discipline policies.
(7) Changes in confinement room policies, if applicable.
(b) The child caring institution shall report the following changes or events immediately upon occurrence:
(1) A fire on the premises of the child caring institution.
(2) Death or serious injury requiring treatment of a child in a hospital or emergency care facility.
(3) Any communicable disease requiring hospitalization of a child.
(4) Any suspected or known incidents or evidence of child abuse or neglect. Such a report does not replace any other duty as required under IC 31-6-11 *[IC 31-6 was repealed by P.L.1-1997, SECTION 157, effective July 1, 1997.]*.
(Division of Family and Children; 470 IAC 3-13-36; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2007; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-13-37 Plan of operation
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 37. (a) Prior to initial licensure, the child caring institution shall submit to the SDPW the following documentation:
(1) Needs assessment.
(2) Purpose of child caring institution.
(3) Ages, gender, and type of children to be served.
(4) Location of child caring institution and geographic area from which children will be received.
(5) Type of buildings.
(6) Financial information regarding the following:
(A) New construction and maintenance of building.
(B) Operation of the child caring institution and child care program.

(C) Sources of income and fundraising methods.

(7) Program design for the children as follows:

(A) Emotional and social development.

(B) Education.

(C) Work program.

(D) Recreation.

(E) Nutrition.

(F) Medical and dental care.

(G) Clothing.

(H) Family involvement.

(I) Discipline.

(8) Administration is to include the following:

(A) Identification of the governing body or members of the board of directors including full name, address, and occupation of each.

(B) A plan for staffing including number and types of positions anticipated, job descriptions, and qualifications.

(b) The child caring institution shall operate in accordance with the written plan of operation. *(Division of Family and Children; 470 IAC 3-13-37; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2007; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-38 Governing body

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 38. (a) The child caring institution shall have a governing body which exercises authority over, and has responsibility for, the operation, policy, and practices of the facility.

(b) At least one (1) member of the governing body shall be knowledgeable or be responsible for the private secure facility.

(c) The administrator of the institution shall submit a written report to the governing body on all aspects of the private secure facility at least quarterly.

(d) Members of the governing body shall be permitted to visit the private secure facility and to speak to any employee or child in care.

(e) Employees, including the administrator, shall not constitute a majority membership in the governing body. *(Division of Family and Children; 470 IAC 3-13-38; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2007; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-39 Financial resources; accounting; insurance

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 39. (a) The child caring institution shall maintain financial resources to meet the rules established by the SDPW. The child caring institution shall document evidence of these resources and make such documentation available to the SDPW upon request.

(b) A new child caring institution shall certify that funds are available for the first three (3) months of operation.

(c) The child caring institution shall prepare an annual budget showing income according to sources and estimated expenditures classified according to the following:

(1) Salaries.

(2) Food.

(3) Clothing.

(4) Child development and child care program.

(5) Fixed expenses.

(6) Maintenance, repair, and replacement of furnishings and equipment.

(d) The child caring institution shall have an annual audit or financial review of all accounts by a certified public accountant

appointed by the governing body. This accountant may not be a member of the governing body nor be an employee of a member of the governing body.

(e) Governmentally operated child caring institutions shall comply with any auditing requirements of the state of Indiana.

(f) The treasurer, administrator, and any other persons handling funds shall be bonded.

(g) Any child caring institution, which is not governmentally operated, shall carry insurance which includes the following:

(1) Public liability.

(2) Worker's compensation.

(3) Fire and disaster insurance on the property.

(h) The child caring institution shall carry or require staff to carry automobile liability and property damage insurance if the child caring institution uses an automobile, whether it is owned by the child caring institution, an employee, or a volunteer. *(Division of Family and Children; 470 IAC 3-13-39; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2008; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-40 Admission

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 40. (a) Children admitted to a private secure facility shall:

(1) be six (6) years of age or older; and

(2) exhibit chronic behaviors that endanger themselves or others.

(b) Admission policies shall be clearly defined and stated in writing.

(c) The child caring institution shall obtain, prior to admission of a child, information about the child and family circumstances to determine whether care in the child caring institution is in the best interest of the child. *(Division of Family and Children; 470 IAC 3-13-40; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2008; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-41 Placement agreement

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 41. The child caring institution shall have a written placement agreement with the placing agency or placing parent or guardian which includes at least the following:

(1) Authorization to care for the child.

(2) Provision for treatment plan reviews.

(3) Financial plan for payment of care and services covered.

(4) Permission for the child caring institution to seek routine and emergency medical, surgical, and hospital care.

(Division of Family and Children; 470 IAC 3-13-41; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2008; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-13-42 Personnel policies

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 42. (a) The child caring institution shall establish and follow written policies regarding employment, compensation, and terms and conditions of work. The written personnel policies shall be made available and known to each employee at the time of employment.

(b) The qualifications, duties, responsibilities, and authority of each person shall be defined and stated in writing.

(c) The child caring institution shall maintain an organizational chart.

(d) The child caring institution shall inform staff of the rules for child caring institutions and written operating policies and shall make these documents available to staff for review.

(e) Each employee, including the administrator, shall receive a written evaluation of individual performance at least annually.

(Division of Family and Children; 470 IAC 3-13-42; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2008; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-13-43 Record keeping; general

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 43. (a) The child caring institution shall make all records pertaining to personnel and children in care available for SDPW, SBH, and SFM review.

(b) The child caring institution shall make medical records of children and staff available for SDPW and SBH review.

(c) Children's records shall be available only to the child, the placing agency, parent, guardian, or any of their written designees in addition to SDPW, SBH, and SFM. The local school corporation shall have access to children's records to the extent necessary to provide educational services and only in compliance with statutory requirements regarding confidentiality and access.

(Division of Family and Children; 470 IAC 3-13-43; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2009; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-13-44 Personnel records

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 44. (a) The child caring institution shall establish and maintain an individual record for each staff member.

(b) The record shall include the following information prior to employment:

(1) Application.
(2) Name, address, and telephone number.
(3) Name, address, and telephone number of the person to be notified in the event of an emergency.
(4) Documentation of training, education, experience, and any other required qualifications.
(5) Reference notes or reports, with evaluations of ability, character, and suitability for working with children.
(6) Signed, notarized criminal history affidavit.

(c) The record shall include the following information after employment:

(1) Documentation of initial physical examination and results of Mantoux tuberculin testing.
(2) Annual report of Mantoux tuberculin test results.
(3) Annual evaluation of employee's performance.
(4) Documentation of workshops or training sessions attended and of courses of study successfully completed.
(5) Dates of employment and termination with any reason for termination.
(6) Copies of any incident report involving the staff member.

(Division of Family and Children; 470 IAC 3-13-44; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2009; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-13-45 Volunteer records

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 45. The child caring institution shall maintain a record of the following information for each volunteer:

(1) Name, address, and telephone number.
(2) Name, address, and telephone number of the person to be notified in the event of an emergency.
(3) Documentation of reference with an evaluation of the following:
    (A) Ability, character, and suitability for working with children.
    (B) Orientation and training, as required under section 54 of this rule.
(4) Documentation of initial physical examination and annual Mantoux tuberculin testing, if working in food service, or if having direct contact with children.

(Division of Family and Children; 470 IAC 3-13-45; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2009; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-13-46 Child's records

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 46. (a) The child caring institution shall maintain a record of the following information for each child admitted:
(1) Name.
(2) Sex.
(3) Date of birth.
(4) Name, address, and marital status of both parents.
(5) Name, age, and address of child's brothers and sisters, step or half-brothers and sisters, and near relatives.
(6) Religious information necessary to provide appropriate services.
(7) Information upon which the admission decision was based.
(8) Name of agencies which have had contact with the child and the family and dates of contacts.
(9) Name and address of person or placing agency requesting admission.
(10) Date of admission.
(11) Written agreement with the placing agency or person.
(12) A copy of the court order or other document authorizing placement of the child in the child caring institution.
(13) SDPW case plan, if applicable.
(14) Initial assessment of child and family and resulting treatment plan.
(15) Written quarterly progress reports and six (6) month treatment plan revisions.
(16) Documentation of efforts to provide services to the child's family.
(17) Documentation of any discipline of a child which results in an injury.
(18) School report, including teachers' evaluation of child's progress.
(19) Report by any specialist, such as psychiatrist or psychologist, if applicable.
(20) Discharge information required under section 67 of this rule.

(b) The child caring institution shall keep case records confidential and shall safeguard against the possibility of loss by fire, theft, or destruction.

(c) Staff entries in case records shall be dated and signed.

(d) The child caring institution shall keep each child's case record for at least five (5) years after the child is discharged. For records older than five (5) years, the child caring institution shall retain at least the information required under subsection (a)(1) through (a)(5), (a)(10), (a)(12), and (a)(20). *(Division of Family and Children; 470 IAC 3-13-46; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2009; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-47 Employee qualifications; generally

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 47. (a) All prospective employees or current institution employees shall complete a separate application for employment prior to working in the private secure facility.

(b) The child caring institution shall employ staff who are qualified by education, training, and experience for their assigned responsibility. *(Division of Family and Children; 470 IAC 3-13-47; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2010; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-48 Administrative and supervisory personnel

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 48. (a) The child caring institution shall employ staff to perform administrative, supervisory, service, and direct care functions.

(b) Functions may be combined only upon the approval of the SDPW.

(c) When nondirect care functions have been approved by SDPW and are combined, the staff member shall meet the requirements for each function.

(d) The administrator shall be at least twenty-five (25) years of age and shall have one (1) of the following:

(1) A master's degree in social work, counseling, social work administration, or a related human service degree, from an accredited school, and two (2) years of experience in the management or supervision of child care personnel and programs.

(2) A bachelor's degree in social work or a human service area of study from an accredited school and four (4) years of experience in the management or supervision of child care personnel and programs.

(e) If the administrator is responsible only for personnel, fiscal management, and physical facilities and is not responsible for the programs and services of the institution, the institution may employ an administrator who has a bachelor's degree from an accredited school and two (2) years of experience in child care services. However, in this case, the institution shall employ a program director who meets the qualifications set forth in subsection (d).

(f) When the position of administrator is vacated, the governing body shall designate a qualified person to act as administrator.

(g) The program director shall have one (1) of the following:

(1) A master's degree in social work or a master's degree in a human service area of study from an accredited school.

(2) A bachelor's degree in social work or a bachelor's degree in a human service area of study from an accredited school plus two (2) years of experience in child care services.

(h) The supervisory staff member responsible for supervising, evaluating, and monitoring the functions of the caseworkers, as defined under section 49 of this rule shall have a master's degree in social work, psychology, or counseling from an accredited school plus one (1) year of experience supervised by a person with a master's degree in social work, psychology, or counseling.

(i) The staff member responsible for supervising, evaluating, and monitoring the daily work and progress of the direct care workers shall have one (1) of the following:

(1) A bachelor's degree and one (1) year of work experience in a child caring institution.

(2) Two (2) years of college and two (2) years of work experience in a child caring institution.

(3) A high school diploma and four (4) years of work experience in a child caring institution.

(Division of Family and Children; 470 IAC 3-13-48; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2010; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-13-49 Professional personnel

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 49. (a) The staff, hereafter referred to as caseworker, who perform casework or group work tasks, counseling with children and their families, or planning of services for children and their families, shall have a master's degree in social work, psychology, or counseling from an accredited school. The caseworker may have a bachelor's degree in social work, psychology, counseling, or a related area of study from an accredited school if under the supervision of a person holding a master's degree in social work, psychology, or counseling.

(b) Professional staff which are full-time, part-time, or consulting, including psychologists, psychiatrists, physicians, dentists, teachers, and nurses, shall meet the respective licensing or certification requirements of their profession in the state of Indiana.

(c) The institution shall have at least one (1) caseworker as defined by this section for every fifteen (15) children in care.

(d) The institution shall employ a supervisor for casework staff when the institution employs six (6) or more caseworkers.

(Division of Family and Children; 470 IAC 3-13-49; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2011; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-13-50 Direct care personnel; child-staff ratios

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 50. (a) The staff members responsible for the daily direct care and supervision of the children shall be at least twenty-one (21) years of age and shall have at least a high school or equivalency diploma.

(b) A secure private facility shall have four (4) children to one (1) staff member or any fraction thereof for the direct care and supervision of children during waking hours when children are present.

(c) A secure private facility shall have two (2) awake staff at night for the direct supervision of children during sleeping hours.

(d) The secure private facility shall have at least two (2) direct care workers whenever one (1) or more children is present.

(e) The institution shall have a written plan and a telephone available for direct service workers to summon another staff member in case of an emergency without leaving the unit and without leaving another unit unattended.

(f) The institution shall have sufficient caseworkers for the unit to meet the counseling requirements of individual, group, or family counseling sessions for each child in care.

(g) These child-staff ratios shall be maintained at group off-grounds activities.

(h) Staff members responsible for the daily care and supervision of the children in the secure private facility shall have no responsibilities in addition to child care related activities when children are present. Children of staff members shall not be allowed to reside in the private secure unit. *(Division of Family and Children; 470 IAC 3-13-50; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2011; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-51 Volunteers

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 51. (a) A child caring institution which utilizes volunteers shall have and follow a written plan. The plan shall include provision for the following:

(1) Reference checks.

(2) Supervision by a paid staff member.

(3) Orientation and training in the philosophy of the child caring institution, the needs of children in care, and the methods of meeting those needs.

(b) If volunteers are in direct contact with the residents, they shall meet the same age and health requirements as paid direct care staff. *(Division of Family and Children; 470 IAC 3-13-51; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2011; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-52 Students

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 52. Graduate or undergraduate students in a field work placement at the child caring institution shall be subject to the general personnel policies of the child caring institution, but shall not be considered or used as substitutes for employed staff. *(Division of Family and Children; 470 IAC 3-13-52; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2012; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-53 Relief staff

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 53. (a) The child caring institution shall employ a sufficient number of qualified persons to provide care and supervision for the children at all times.

(b) The child caring institution shall operate and maintain the program without depending on the work of the children or detracting from the primary work of direct care workers in the care and supervision of children.

(c) The child caring institution shall provide planned relief for direct care staff. The child caring institution shall have qualified relief staff to substitute for direct care staff for sick leave, vacation, relief time, and other absences.

(d) The administrator shall designate in writing a staff member on the premises to be in charge when the administrator is

absent. The designated staff member shall have sufficient knowledge of SDPW requirements and emergency procedures to make appropriate decisions. *(Division of Family and Children; 470 IAC 3-13-53; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2012; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-54 Staff development

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 54. (a) The institution shall provide all employees planned job orientation prior to assignment to the secure private facility.

(b) Staff development programs for secure private facility employees shall include, but not be limited to, the following:

(1) Civil commitment proceedings.
(2) Crisis management techniques.
(3) Specific techniques for dealing with suicidal children.
(4) Fire and safety emergency procedures.
(5) Verbal deescalation and therapeutic physical restraint techniques, with review and practice sessions required every six
(6) months.

(c) The child caring institution shall document that each staff member working directly with children receives training in the areas required under subsection (b), as well as the following areas:

(1) Administrative procedures and overall program goals.
(2) Principles and practices of child care.
(3) Family relationships and the impact of separation.
(4) Behavior management techniques.
(5) Emergency and safety procedures.
(6) Identification and reporting of child abuse and neglect.

(d) Staff members working directly with children shall receive at least twenty (20) clock hours of training activities during each full year of employment. Part-time staff members shall receive at least ten (10) hours of training activities during each full year of employment. Activities related to supervision of the staff member's routine tasks shall not be considered training activities for the purposes of this section.

(e) Each direct care worker shall be trained in basic first aid techniques. Review courses shall be provided to direct care workers no less than every three (3) years. First aid training and review courses shall be in addition to the minimum training hours and subject areas required under this section. *(Division of Family and Children; 470 IAC 3-13-54; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2012; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-55 Daily routines

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 55. (a) The child caring institution shall provide the children with a daily routine which is planned to develop healthful habits in eating, sleeping, and exercising.

(b) The child caring institution shall provide each child with training and assistance in maintaining good habits of personal care and hygiene, including bathing, brushing teeth, grooming, and changing soiled or wet clothing as needed.

(c) The daily routine shall provide time for privacy and individual pursuits of each child, including provision for opportunity to be away from the group when it is necessary and safe for the child to be alone. *(Division of Family and Children; 470 IAC 3-13-55; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2012; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-56 Personal items

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 56. (a) The child caring institution shall provide each child with individually selected and fitted clothing, suitable for the child's age, sex, activities, and appropriate for the season and current weather conditions.

(b) The child caring institution shall involve the child in the selection, care, and maintenance of personal clothing as appropriate to the child's age and ability.

(c) The child caring institution shall allow each child to own and acquire clothing, toys, and personal belongings appropriate to age and development.

(d) The child caring institution shall provide storage space within reach of the child for personal possessions, clothing, and supplies.

(e) The child caring institution shall give each child an allowance for personal expenses.

(f) The institution may temporarily remove a child's personal items if these items could be used by the child to endanger or injure himself/herself or others and if the need to take this action has been identified in the treatment plan.

(g) The decision to temporarily remove a child's personal items shall be reviewed at least daily by the staff members responsible for the daily direct care and supervision of the child and by the caseworker and at least weekly by the total treatment team as provided under section 66 of this rule.

(h) The child caring institution shall give all personal belongings and clothing to the child when care is terminated. *(Division of Family and Children; 470 IAC 3-13-56; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2013; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-57 Discipline and guidance

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 57. (a) The child caring institution shall have a written discipline policy and shall make the policy available to placement agencies, staff, parents, and children in care.

(b) Discipline and guidance shall be as follows:

(1) Consistent.

(2) Based on an understanding of individual needs and development.

(3) Promote self-discipline and acceptable social behavior.

(c) Children shall be treated kindly and humanely at all times.

(d) The administrator shall not use, or permit any person to use, any of the following:

(1) Cruel, harsh, or unusual punishment.

(2) Treatment which is mentally, physically, or emotionally abusive or neglectful.

(3) Any humiliating or frightening method to control the actions of any child or group of children.

(e) Children shall not be humiliated or subjected to degrading, abusive, or profane language.

(f) The child caring institution shall prohibit, as a method of discipline, the following:

(1) Confinement to a locked or dark room.

(2) Use of mechanical restraints.

(3) Undue confinement to bed.

(4) Deprivation of meals or snacks.

(5) Inappropriate assignment of work.

(6) Group discipline for an offense by an individual child.

(7) Any child or group of children punishing another child.

(8) Deprivation of visits or contact with parents, guardian ad litem, court appointed special advocate, or placing worker. *(Division of Family and Children; 470 IAC 3-13-57; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2013; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-58 Confinement rooms

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 58. (a) Prior to the establishment of a confinement room, the institution shall have written approval from the SDPW.

(b) A confinement room shall be used only when a child is in danger of harming himself or herself or others and has not responded to any other treatment approaches.

(c) A confinement room shall be used for treatment purposes only, not as a disciplinary measure nor as a substitute for supervision.

(d) The institution shall have and use written policies for the use of a locked confinement room. The policies shall include the following:

(1) Definition of the circumstances which justify the use of confinement.

(2) A maximum time period for each episode of confinement not to exceed one (1) hour unless extended as provided for in subsection (f).

(3) Record keeping of each confinement episode as noted in subsection (i).

(4) Clear designation of persons who have authority to approve or extend the confinement period.

(5) Directions for removal of all dangerous items from the child such as belts, shoelaces, jewelry, items in pockets, matches, and any other items which represent a potential hazard during confinement.

(e) Written policies for the use of confinement shall be distributed to staff, and there shall be documented orientation provided to staff in the policies and use of confinement.

(f) One (1) hour shall be the maximum period for confinement unless extensions are approved by the administrator, the program director, or by two (2) other professional staff members who are authorized to supervise the confinement policy and who do so in consultation with the treatment team. If confinement is needed after forty-eight (48) hours, an alternative treatment plan must be developed.

(g) An awake staff member in the immediate vicinity of the confinement room shall supervise the child at all times and shall make a visual check of the child at least every five (5) minutes.

(h) A review of the use of confinement shall be made quarterly by the administrator or the program director to analyze the therapeutic value of each confinement episode, safety considerations, appropriate utilization of confinement, and adherence to the general policy of confinement as established under subsection (d).

(i) An entry shall be made in a log or record book of each confinement episode. Recording shall include the following information:

(1) The circumstances leading to confinement.

(2) The period of time a child was confined.

(3) The time of the visual checks.

(4) Behavioral observations of the child.

(5) Specific notation of any extension of confinement including reasons for the extension and by whom approval for extension was given.

(j) Notation of each confinement shall be placed in the individual case record of the child.

(k) Confinement rooms shall be constructed and maintained in the following manner:

(1) In compliance with Group I, Division 3 occupancy under 675 IAC 13, the Indiana Building Code.

(2) Equipped and sized for therapeutic use with at least thirty-six (36) feet of floor space and eight (8) feet high ceilings.

(3) All doors, ceilings, and walls are constructed of such strength and material that no harm can come to the occupant.

(4) All switches controlling lights, ventilation, or other mechanical systems are on the outside of the room.

(5) No functional electrical outlets are located in the room.

(6) A window is provided to allow for a visual check of the child without entering the room.

(7) Windows are secured and protected so as to prevent harm to the occupant.

(8) Ceiling lights are provided, protected, and recessed.

(9) The room is heated, cooled, and ventilated as required under 675 IAC.

(10) A smoke detector is located in a position adequate to detect any smoke or fume hazard to the person confined.

(Division of Family and Children; 470 IAC 3-13-58; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2013; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-13-59 Mechanical restraints

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 59. (a) Mechanical restraints shall be used only if the child is a clear and present danger to himself/herself or others and therapeutic crisis intervention techniques have been attempted and failed or are diagnostically eliminated prior to use.

(b) If an institution uses mechanical restraints, the institution shall develop policies and procedures on their usage that include the following:

(1) Description of the types of mechanical restraints used.
(2) Criteria for use.
(3) Staff authorized to approve use.
(4) Staff authorized and trained to apply restraints.
(5) Procedures for application.
(6) Staff training requirements.
(7) Time limitations on use.
(8) Monitoring requirements while child is in restraints.

(c) Documentation of mechanical restraint training shall be in each employee's personnel record.

(d) An institution shall not use any form of restraint until the policies and procedures in subsection (b) have been approved by the SDPW.

(e) A record shall be maintained of each incident of mechanical restraint and placed in the child's record that includes the following information:

(1) Date and time of incident.
(2) Name of child.
(3) Form of restraint used.
(4) Length of time in restraint.
(5) Name and title of person who authorized use of restraint.
(6) Name and title of person applying the restraint.
(7) Name of person responsible for monitoring the child while in restraints.
(8) Description of child's behavior prior to, during, and after use of restraints.
(9) Treatment team assessment of the effectiveness of the restraint and future alternatives.

(Division of Family and Children; 470 IAC 3-13-59; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2014; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-13-60 Education

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 60. (a) Each child shall be given the same opportunity for education as other children in the community.

(b) Children who are wards of the SDPW shall attend only public schools or private schools with appropriately certified teachers by the state department of education for the age group and classes they teach. This requirement shall include any on-grounds schools.

(c) When children in residence attend a school off-grounds and when transportation to and from school is not provided by the school, the child caring institution shall provide suitable transportation for the children.

(d) The child caring institution shall provide each child not receiving public education under 511 IAC 7-1 *[511 IAC 7-1 was repealed filed Dec 9, 1991, 8:30 a.m.: 15 IR 558.]* with help in the selection of an occupation and in arrangements for necessary vocational training or education, provided that the child will benefit from such training or education. *(Division of Family and Children; 470 IAC 3-13-60; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2015; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-61 Religion
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 61. (a) The child caring institution shall make available the opportunity to participate in religious activities in accordance with the child's religious faith in so far as is practical.

(b) The child caring institution shall have a written description of any religious orientation and of particular religious practices that are observed and expected of the child. The description shall be distributed prior to admission to parents and the placing agency. *(Division of Family and Children; 470 IAC 3-13-61; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2015; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-62 Work experience
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 62. (a) The child caring institution may use work experience to provide a learning experience for children. The child caring institution shall not use such work experience as a substitute for staff members.

(b) The child caring institution may provide work experience and training which is appropriate to the age, health, and ability of the children in care. However, the child caring institution shall not require a child to do work which would interfere with time for school, study, and recreation periods, religious participation, normal community contacts, or visits with family. *(Division of Family and Children; 470 IAC 3-13-62; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2015; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-63 Recreation
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 63. (a) The child caring institution shall provide a written plan for indoor and outdoor recreational and social activities for the children. These activities shall be provided in accordance with the ages, abilities, and interest of the children participating.

(b) The child caring institution shall assign the responsibility for planning and maintaining a program of recreational and social activities to a staff member who is given adequate time to carry out the responsibility.

(c) The child caring institution shall provide the facilities needed for recreation and shall use community recreational and social facilities when available and suitable. *(Division of Family and Children; 470 IAC 3-13-63; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2015; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-64 Visiting; correspondence
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 64. (a) The child caring institution shall have written policies and procedures which provide for visits with families, mail, telephone calls, and other forms of children's communication with family, friends, and significant others.

(b) Denial of home visits shall be made only in accordance with the treatment plan as approved by the placing agency.

(c) The child caring institution shall prohibit overnight visits with staff or persons other than the child's family except as such persons are identified by the treatment plan for the child and are approved by the placing agency.

(d) The child caring institution shall make writing material available to children in care. Each child shall have privacy in handling his or her correspondence.

(e) The child caring institution may require that a child open his or her mail in the presence of a staff member if there is reasonable fear that the contents other than the letter may harm the child or others. However, staff persons shall not have the right to withhold a child's correspondence without a court order. *(Division of Family and Children; 470 IAC 3-13-64; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2016; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-65 Transportation
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 65. (a) If the child caring institution provides for transportation of children and staff, any vehicle used shall be licensed in accordance with state law and shall be maintained in safe operating condition.

(b) The operator shall have a proper license to drive such vehicle.

(c) Children shall be loaded or unloaded only from the curb side of the vehicle and at the curb.

(d) Seat belts shall be used for each occupant at all times when the vehicle is in motion, unless the vehicle is specifically exempted by state law.

(e) Only that number of children and adults for whom there is comfortable seating space shall be transported in one (1) vehicle. No child shall be permitted to stand in the vehicle when being transported. *(Division of Family and Children; 470 IAC 3-13-65; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2016; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-66 Treatment plan
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 66. (a) Children placed in a secure private facility shall have an initial written treatment plan within ten (10) working days of admission to the unit.

(b) The treatment plan requirements shall be as follows:

(1) A specific caseworker shall be assigned to each child in the unit.

(2) Individual, group, or family counseling sessions shall be provided to each child at least three (3) times a week with other sessions available as needed.

(3) At least one (1) caseworker or supervisor assigned to the unit shall be on call twenty-four (24) hours a day and be available to provide on-site services as needed.

(c) At least monthly reviews shall be written for each child in care to assess the need for a continued secure program.

(d) A written summary of the monthly reviews shall be sent to the placing agency. The summary shall include the following assessments:

(1) The condition of the child.

(2) The incidents that indicate the child is gravely disabled or dangerous to self and others.

(3) The estimated time that the child needs to remain in the secure private facility.

(4) A review of the medical and physical status of the child by a licensed practical nurse or other appropriately licensed medical professional.

(e) The child caring institution shall involve staff members who provide direct care, social services, education, recreation, and health services in developing and implementing the treatment plan for the child and the family.

(f) The child caring institution shall involve the child, the parent, legal guardian, or placing agency when available in the development of the treatment plan. Upon request, the parent or guardian shall receive a copy of the plan.

(g) The treatment plan shall include an assessment of the following with the child and family:

(1) Needs.

(2) Strengths.

(3) Weaknesses.

(4) Problem areas.

(h) The treatment plan shall state goals to be achieved, staff assignments, time schedules, and steps to be taken to meet the goals in at least the following areas:

(1) Education.

(2) Daily living activities.

(3) Any specialized recreation.

(4) Any specialized services, such as counseling.

(5) Family involvement and plan for visitation.

(6) The projected length of stay.

(i) If the assessment of a child indicates the child is in need of treatment by a psychiatrist or is currently under psychiatric care, the child caring institution shall provide or arrange for appropriate consultation and treatment.

(j) The child caring institution shall share with the child decisions regarding development, changes, or continuation of plans, and contacts with the family, placing agency, or other significant persons outside the child caring institution.

(k) The child caring institution shall review and revise as necessary the treatment plan at least every six (6) months. The review shall include input from the child, direct care workers, and the placing agency. *(Division of Family and Children; 470 IAC 3-13-66; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2016; errata filed Sep 9, 1991, 10:45 a.m.: 15 IR 10; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-67 Discharge

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 67. (a) At the time of discharge, the child caring institution shall document the following in the child's case record:

(1) A summary of services, an assessment of goal achievement, and identification of the needs remaining to be met.

(2) Recommendations for the child and family following discharge.

(3) The date and reasons for discharge.

(4) The name, address, telephone number, and relationship of the person or agency to whom the child is released.

(b) At the time of discharge, the child caring institution shall make a summary of health recommendations for the child available to the parents, guardian, placing agency, or other individual or agency to whom the child is released. *(Division of Family and Children; 470 IAC 3-13-67; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2017; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-68 Services to families

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 68. (a) The child caring institution shall make efforts to maintain ongoing contact with the child's parents, guardian, or other primary caretaker. The child caring institution shall encourage these persons to communicate and visit with the child in accordance with the treatment plan and in compliance with or subject to court orders and any limitations stated therein.

(b) The child caring institution shall encourage parents to assume responsibilities for the child and to cooperate with the child caring institution in carrying out its plans for him or her. The child caring institution shall document efforts to provide services to the child's family. *(Division of Family and Children; 470 IAC 3-13-68; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2017; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-69 Health program requirements; written plan

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 69. (a) The child caring institution shall submit a written, dated health program to the SBH on forms provided by that agency. The written program shall be approved by the SBH.

(b) The child caring institution and the consulting licensed physician shall review and revise as necessary the written program and shall submit the program to the SBH every two (2) years. *(Division of Family and Children; 470 IAC 3-13-69; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2017; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-70 Medical services; generally

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 70. (a) The child caring institution shall engage the services of a licensed physician and licensed dentist to provide

medical and dental examinations and care for the children in the child caring institution.

(b) The child caring institution shall report each hospitalization or visit to emergency medical facilities to the placing agency or the placing parent or guardian. *(Division of Family and Children; 470 IAC 3-13-70; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2017; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-71 First aid policies and practices

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 71. (a) The child caring institution shall establish written first aid policies for the care of illness or injury. The policies shall be dated and signed as approved by the consulting licensed physician. The child caring institution and the consulting licensed physician shall review the policies every two (2) years in conjunction with the written health program and revise them as necessary.

(b) First aid policies shall include, but are not limited to, directions for the care of the following:

(1) Poisoning.

(2) Seizures.

(3) Hemorrhaging.

(4) Artificial respiration.

(5) Choking.

(c) The child caring institution shall make the written first aid policies available to all staff and shall post them where they can be easily seen.

(d) Staff members shall have immediate access to the following:

(1) A telephone.

(2) The telephone numbers of the child caring institution's consulting licensed physician, consulting licensed dentist, and the nearest emergency medical facility.

(3) The telephone numbers for ambulance services, the local fire department, and the poison control center.

(4) The “Red Cross First Aid Manual” or its equivalent.

(5) First aid supplies, as specified by the child caring institution's consulting licensed physician.

(e) Staff members shall observe children for signs of illness or injury.

(f) The child caring institution shall keep first aid supplies in a place inaccessible to children, but easily accessible to staff. *(Division of Family and Children; 470 IAC 3-13-71; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2017; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-72 Medication; disbursement, application

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 72. (a) The giving or application of medication, providing dietary supplements, making special variations of diet, and carrying out medical procedures shall be done only on written order or prescription from a physician.

(b) Medication prescribed for an individual child shall be kept in the original container bearing the original pharmacy label showing the prescription number, the date filled, the physician's name, directions for use, and the child's name.

(c) When no longer needed, medication shall be returned to the physician or destroyed, and notation of such destruction or return shall be noted on the child's record. The child caring institution shall return unused portions of narcotic prescriptions to the prescribing physician or pharmacy.

(d) The consulting licensed physician's orders for “as needed” or over-the-counter medications shall be posted where such medications are stored.

(e) Medications shall not be administered past the expiration date.

(f) The staff member administering medication shall record the following information in the child's health record:

(1) The date and time of day when medication is given.

(2) Why it is given.

(3) How much is given.

(4) By whom administered.
(Division of Family and Children; 470 IAC 3-13-72; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2018; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-13-73 Psychotropic medication
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 73. (a) The child caring institution shall provide psychotropic medications to a child only as prescribed by a licensed physician or licensed psychiatrist who has the responsibility for the diagnosis, treatment, and therapeutic planning for the child.

(b) The child caring institution shall obtain from the prescribing licensed physician a written report at least every thirty (30) days for each child receiving psychotropic medication. The written report shall state the reasons medication is being continued, discontinued, or changed, as well as any recommended changes in the treatment goals and planning. The report shall be based on the licensed physician's review of reports by staff as well as the physician's actual observation of the child at least every ninety (90) days. *(Division of Family and Children; 470 IAC 3-13-73; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2018; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-74 Storage of medication
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 74. (a) The child caring institution shall store all medication in a locked cabinet, box, or drawer and in a safe place, not accessible to children.

(b) Medication not requiring refrigeration shall not be stored in the kitchen.

(c) Medication requiring refrigeration shall be stored in a plastic container covered and clearly labeled "medication". *(Division of Family and Children; 470 IAC 3-13-74; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2018; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-75 Health requirements for children
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 75. (a) The child caring institution shall obtain from the placing agency or placing parent a statement indicating whether or not the child has, to the best of the applicant's knowledge, been exposed to a communicable disease within three (3) weeks prior to the date of admission.

(b) Each child shall receive a health examination by a licensed physician within three (3) months prior to admission, or not later than two (2) weeks after admission. The examination shall include the following:

(1) Health history.
(2) Physical examination.
(3) Vision and hearing screening.
(4) A Mantoux intradermal skin test for tuberculosis if the last such test is known to be negative or if there is no record of a test. If the Mantoux test is positive the child shall have a diagnostic chest x-ray and other indicated laboratory test to determine whether or not the disease is in an infectious state.
(5) A written statement from the licensed physician that in the physician's opinion there is no health condition that would be hazardous either to the child or to other children in the child caring institution.
(6) A statement of the medical findings, including physical defects and need for dental care, state of development, and ability of the child to take part in group activities, or a schedule of permitted activities if activities need to be limited.
(7) A health examination, including a Mantoux tuberculin test annually and whenever there is reason to suspect that the child may have a condition hazardous or potentially hazardous to others or whenever the child's general condition indicates the need for an examination.

(c) Each child shall receive a dental examination from a licensed dentist as follows:

(1) Within thirty (30) days of admission unless the child caring institution has documentation of a dental examination within the six (6) months prior to admission.

(2) Annually.

(3) Whenever an interim condition indicates the need for examination or treatment.

(d) Any treatment or corrective measures required by the licensed physician or dentist shall be arranged by the child caring institution, as approved by a parent, legal guardian, or placing agency.

(e) The child caring institution, after attempting to determine the child's immunization history, shall ensure that each child has received all immunizations and booster shots which are required by the SBH.

(f) All children shall be immunized against routine childhood diseases unless exempted by a licensed physician's statement.

(g) A child may be exempted from immunizations against routine childhood diseases upon the good faith religious belief statement of the parent or guardian.

(h) The adequate immunizing doses and the child's age for administering each vaccine shall be those recommended by the American Academy of Pediatrics or by the United States Public Health Service Immunization Practices Advisory Committee.

(i) Adequate documentation of an immunization history shall consist of one (1) of the following:

(1) A licensed physician's certificate including the number and dates of doses administered.

(2) Immunization records forwarded from a school corporation including the number and dates of doses administered.

(3) A record maintained by the parent or guardian showing the month, day, and year during which each dose of vaccine was administered.

(j) If a licensed physician certifies in writing that a particular immunization required under this section is detrimental, or may be detrimental, to the child's health, the requirements for that particular immunization are not applicable for that child until the immunization is found no longer to be detrimental to the child's health.

(k) The child caring institution shall maintain a health record for each child. The record shall include the following:

(1) Admission and periodic health and dental examination information.

(2) A licensed physician's written instructions with regard to special dietary or health care required.

(3) Record of all medications and treatments.

(4) Record of observations and incidents, including accidents, injuries, or any other condition which may be associated with a health condition or possible abuse or neglect.

(Division of Family and Children; 470 IAC 3-13-75; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2018; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-13-76 Health requirements for staff members

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 76. (a) Within thirty (30) days of employment, each staff member shall have a health examination which includes a Mantoux tuberculin test or chest x-ray and any other test and immunization considered necessary by the licensed physician. If the Mantoux tuberculin test is positive, the chest x-ray is mandatory. The health examination may have been conducted within three (3) months prior to employment.

(b) The child caring institution shall require an annual Mantoux tuberculin test of all field work students, food service personnel, and employees having direct contact with children.

(c) Volunteers having direct contact with children shall meet the same health examination requirements as paid staff.

(d) The child caring institution shall not permit employees who become ill or who return to work following illness to work in a capacity which may transmit disease or be detrimental to the health of the children or other employees. *(Division of Family and Children; 470 IAC 3-13-76; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2019; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-77 Nutrition and food service; menus; vendor service; education

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 77. (a) The child caring institution shall submit a written plan for nutrition and food services, including four (4) weeks of proposed menus to the SBH on forms provided by that agency. The written plan shall be approved by the SBH. The child caring institution shall submit a written revised plan for nutrition and food services to the SBH every two (2) years.

(b) The child caring institution shall provide the following:

(1) Regardless of the number of children served, a menu for three (3) meals a day; afternoon and evening snacks planned one (1) week in advance of serving, corrected as served, and kept on file for review by the SBH for a period of one (1) year.

(2) A current week's menu for all snacks and meals which shall be posted in the kitchen and eating area.

(3) Food preparation and service personnel with documentation of any special dietary prohibitions or substitutions for each child for whom such instructions are necessary, as based upon the written order of the child's physician.

(c) Vendor service, when used by the child caring institution, shall be approved by the SBH.

(d) The child caring institution shall provide nutrition education to the children and shall provide training in basic nutrition, sanitation, and guidance in planning nutrition education to the staff.

(e) The child caring institution shall provide meals and snacks that meet the dietary needs of each child as based on the current National Research Council Recommended Daily Allowances (NRC-RDA), according to each child's age, sex, and maturation.

(f) The child caring institution shall meet the following food requirements:

(1) Prepare and serve a planned breakfast. A staff person shall be responsible for and assist in breakfast preparation.

(2) Serve meals at times which meet the children's needs and which are spaced so that there are no unduly long periods without food. Additional portions of food shall be available for children and adults.

(3) Serve milk and milk products obtained from sources approved by the SBH. Reconstituted dry milk for drinking or skim milk shall not be served to children.

(4) Serve fruit juices that are one hundred percent (100%) fruit juice. All noncitrus juices served shall be fortified with Vitamin C.

(5) Serve ades and drinks, powders, and bases as supplements and not as substitutes for fruit juice or milk.

(6) Approve, in writing by a physician, all special or therapeutic diets.

(7) Serve food in a relaxed atmosphere and in a family style setting whenever possible. Proper table etiquette shall be encouraged.

(8) Snack foods shall be available in the private secure facility.

(g) Table serving, dining room chairs, and tables shall be of age-appropriate size and construction for the children using them.

(h) Direct care workers shall eat with the children and shall receive the same food as the children except for special dietary needs of the workers or the children.

(i) All food shall be prepared, maintained, and stored properly to assure flavor, appearance, and nutritive value.

(j) All sharp utensils shall be kept locked when not in use by staff. No child shall use or have access to sharp utensils.

(k) The institution shall operate the kitchen and any other food preparation and food service area in compliance with 410 IAC 7-15.1 *[410 IAC 7-15.1 was repealed filed Mar 30, 2000, 3:51 p.m.: 23 IR 1984. See 410 IAC 7-20.]*, food service sanitations requirements, as adopted November 3, 1983, and any successive changes.

(l) The institution shall keep a copy of 410 IAC 7-15.1 *[410 IAC 7-15.1 was repealed filed Mar 30, 2000, 3:51 p.m.: 23 IR 1984. See 410 IAC 7-20.]* in the kitchen at all times for reference.

(m) The institution shall not serve any food items prepared in a home kitchen with the exception of holidays and birthdays.

(n) Any food once served or placed in nontemperature controlled serving dishes shall be disposed of.

(o) Work and cleaning schedules shall be written, posted, and followed for all the food storage, preparation, and service areas.

(p) The kitchen shall not be used for children's play activities, as dining or recreation areas for adults, or as an office.

(q) The kitchen shall have floor to ceiling walls with doors for doorways and closures for serving windows for all institutions established after promulgation of this rule.

(r) Institutions which provide and use separate cooking and eating facilities for each living unit of ten (10) or fewer children may substitute the following requirements in lieu of subsections (k) through (q):

(1) The kitchen shall meet state and local codes for one (1) family residence and shall be approved by the SBH.

(2) The kitchen shall be equipped with the following:

(A) A stove.

(B) A refrigerator.

(C) Closed cabinets for food and utensil storage.

(D) A two (2) compartment sink and an automatic dishwasher, or a three (3) compartment sink.
(E) Light and ventilation.
(F) Walls and ceilings that are smooth and easily washed.
(G) Counter surfaces that are smooth and free of cracks and seams.
(Division of Family and Children; 470 IAC 3-13-77; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2020; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-13-78 Building, grounds, and equipment
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 78. (a) The building of the child caring institution shall conform to the requirements in this section and have the approval of the SBH, SFM, and FPBSC as required under 675 IAC 12.
(b) The building of the child caring institution shall not be located where any conditions exist that would be hazardous to the physical or moral welfare of the children.
(c) The child caring institution shall be equipped with a proper heating plant and capacity sufficient to maintain all housing units at a temperature of not less than sixty-eight degrees Fahrenheit (68°F) under severest weather conditions. Thermostatic control shall be maintained where feasible.
(d) An institution shall provide safe and protected outdoor playground space. The space shall allow for the separation of older and younger children.
(e) The child caring institution shall provide indoor and outdoor play equipment. The equipment shall be safe and sufficiently varied to meet the needs of the children according to age, size, and social development. *(Division of Family and Children; 470 IAC 3-13-78; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2021; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-79 Space requirements; furnishings
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 79. (a) No more than two (2) children shall occupy a bedroom. If an institution is providing a private secure facility on the effective date of this rule and the same living unit continues to be used as a private secure facility, the institution shall have three (3) years to comply with this subsection.
(b) Bedrooms shall not be used as locked isolation rooms.
(c) The child caring institution shall provide the following:
(1) Indoor living space sufficient to permit the separation of children engaged in quiet activities and in active play.
(2) Indoor play space for younger children separate and apart from that provided for older children.
(3) Space for children to study and read.
(d) The child caring institution shall provide the following:
(1) Separate sleeping quarters for male and female children.
(2) At least fifty (50) square feet of floor space or five hundred (500) cubic feet of air space for each child in sleeping rooms.
(3) At least three (3) feet of space between sides and ends of each single bed.
(4) At least five (5) feet of space between sides and ends of each bunk bed. There shall be sufficient space to allow each occupant of the bunk to sit up in bed.
(e) The child caring institution shall provide an individual bed and mattress for each child. The bed shall be of age-appropriate construction, sufficient size for the child using it, and shall be up off the floor.
(f) The child caring institution shall provide bedding as follows:
(1) Mattress protection pad.
(2) Two (2) sheets, a pillow, pillow case, and bed covering sufficient for the comfort of the child.
(3) Clean sheets and pillow cases as often as required for cleanliness and sanitation, and at least once a week.
(4) Water-resistant bed pads for enuretic children and they shall have their linens changed as often as they are wet.
(g) The child caring institution shall provide a private bedroom, separate and apart from the children, for each resident staff

member, except that one (1) bedroom for a resident married couple shall meet this requirement.

(h) The child caring institution shall provide the following for the care of a sick child:

(1) Adequate space to permit the isolation of a child who has a communicable disease, or other illness requiring separation. While being used for illness, a room used for isolation shall not be used for any other purpose and shall be closed off from other rooms.

(2) A room which is well-ventilated and heated.

(3) Sanitation of all furnishings after each use for isolation for a communicable disease.

(i) The child caring institution shall provide furnishings which are as follows:

(1) Safe and room appropriate for use.

(2) Maintained and repaired as needed.

(3) Sufficiently varied to meet the needs of the children according to their age, size, and social development.

(j) The child caring institution shall provide a study area which includes the following:

(1) Tables or desks.

(2) Chairs.

(3) Appropriate lighting for reading.

(Division of Family and Children; 470 IAC 3-13-79; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2021; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-13-80 Maintenance and safety

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 80. (a) The buildings and premises of each child caring institution shall at all times be maintained in a clean, safe, and sanitary condition and in a good state of repair.

(b) The child caring institution shall maintain the following maintenance and safety precautions:

(1) Keep poisons and harmful chemicals under lock.

(2) Store other hazardous materials and equipment including cleaning supplies, polishes, bleaches, detergents, matches, and tools in a place locked to children.

(3) Prohibit the storage and use of firearms on the property.

(4) Provide adult supervision whenever power equipment is being used by children.

(5) Maintain or repair outdoor play space, grounds, and equipment of the child caring institution and keep free from observable hazards.

(c) A person holding at least a Red Cross advanced life saving certificate, or YMCA equivalent, shall be on duty at all times when a swimming pool or other swimming area is in use. A minimum of two (2) flotation lifesaving devices shall be provided for each pool or swimming area. *(Division of Family and Children; 470 IAC 3-13-80; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2022; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-81 SBH requirements; water supply and water treatment

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 81. (a) An adequate water supply of a safe, sanitary quality shall be obtained from a water source or system approved by the SBH.

(b) Connection to a public water supply is required when available within a reasonable distance, not to exceed three hundred (300) feet.

(c) If a private well is used, water shall be potable and of adequate quantity. The well shall meet the construction standards under 410 IAC 6-10 and shall be approved by the SBH.

(d) The construction of a new water well or major alterations to an existing well shall be approved by the SBH.

(e) Drinking water shall be available to the children at all times.

(f) If drinking fountains are provided, they shall be of the sanitary type with guarded angular stream drinking fountain heads

and shall be so constructed and located as to be accessible for use by the children at all times but shall not be located in a bathroom.

(g) If drinking fountains are not provided, individual single service cups shall be provided in a sanitary dispenser and used only once.

(h) All plumbing fixtures shall discharge into a public sanitary sewer whenever available within a reasonable distance, not to exceed three hundred (300) feet, or whenever soil conditions prohibit the construction of an adequate on-site system.

(i) Where a municipal sewage treatment system is not available and a private system is used, the sewage treatment system shall meet the requirements of 410 IAC 6-10 and shall be approved by the SBH.

(j) New plumbing equipment shall meet the requirements of the SBH and shall be approved by that agency. *(Division of Family and Children; 470 IAC 3-13-81; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2022; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-82 Bath, toilet facilities, and ventilation

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 82. (a) All bathing and handwashing facilities for children shall be provided with hot and cold running water. The child caring institution shall use automatic hot water control valves that maintain the hot water temperature at the point of use between one hundred degrees Fahrenheit (100°F) and one hundred twenty degrees Fahrenheit (120°F).

(b) The institution shall provide separate bathrooms for boys and girls.

(c) The institution shall provide at least one (1) wash basin for every four (4) children.

(d) The institution shall provide at least one (1) flush toilet for every eight (8) children, with partitions between individual toilets and private screening in front of the toilets.

(e) The institution shall provide at least the following:

(1) One (1) bath tub or shower for every eight (8) children.

(2) A minimum of one (1) bath tub as may be needed for medical reasons.

(f) Bathing, handwashing, and toilet facilities shall be accessible and age-appropriate to the group served.

(g) The institution shall provide staff with bath and toilet facilities separate from those of the children.

(h) Each toilet shall be provided with toilet tissue which is dispensed in a sanitary manner.

(i) All windows which open, doors not equipped with panic hardware or equivalent, ventilators, and other outside openings shall be protected against insects by at least sixteen (16) mesh screening which is securely fastened as the season requires. *(Division of Family and Children; 470 IAC 3-13-82; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2023; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-83 Swimming pools

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 83. (a) Swimming pools shall be constructed in accordance with 675 IAC 20, maintained and operated in accordance with 410 IAC 6-2.

(b) Outdoor swimming pools shall be fenced. The gate shall be locked when the pool is not in use.

(c) Indoor pools shall be secured to prevent accidental entry or unauthorized use. *(Division of Family and Children; 470 IAC 3-13-83; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2023; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-84 Pets

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 84. Pets which are a potential source of rabies shall be immunized as needed against rabies. *(Division of Family and Children; 470 IAC 3-13-84; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2023; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-85 Fire prevention and building safety plan, design, and construction
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 85. (a) The institution shall be designed for the protection and well-being of the children. Buildings shall be structurally sound and repaired as needed.

(b) Prior to construction of any new building, conversion of an existing building, major alteration to an existing building, or addition to an existing building, complete plans and specifications shall be submitted to the office of the state building commissioner as required under 675 IAC 12-6.

(c) The institution shall comply with FPBSC construction rules under 675 IAC.

(d) The institution shall not house, care for, or maintain or permit to be maintained a child above the second floor of a building.

(e) Whenever sixteen (16) or more children are housed in a building, that building shall be equipped with an automatic sprinkler system unless the children are divided into living units of less than sixteen (16) children each and each unit is separated from adjoining units in the same building by a two (2) hour fire resistive construction as required under 675 IAC 13.

(f) Interior finish of all buildings shall comply with the rules of the FPBSC under 675 IAC. *(Division of Family and Children; 470 IAC 3-13-85; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2023; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-86 Heat, light, and ventilation
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 86. (a) Heating, lighting, and ventilation shall comply with 675 IAC.

(b) When natural light is insufficient in buildings, it shall be supplemented by artificial light, properly diffused and distributed. All lighting intensity measurements shall be at the level of work or, in rooms or hallways where no work is done, at a height of thirty (30) inches above the floor. The following average levels of illumination are to be maintained:

(1) Study areas, table-top work areas: minimum average of fifty (50) foot-candles.

(2) Toilet rooms, bathing facilities, sleeping areas, dining rooms, stairways: minimum average of twenty (20) foot-candles.

(3) Corridors: minimum average of fifteen (15) foot-candles.

(c) All gas equipment and appliances in the buildings shall comply with 675 IAC.

(d) The institution shall fully comply with 675 IAC regarding the use of liquified petroleum gas, natural gas, fuel oil, and other heating methods.

(e) Open grate gas heaters, portable electric heaters, or other portable heaters, shall not be used by the institution.

(f) If combustion space heaters are used they shall be:

(1) installed with permanent connections and protectors;

(2) vented directly to the outside; and

(3) approved as required under 675 IAC 12 prior to installation.

(Division of Family and Children; 470 IAC 3-13-86; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2024; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-13-87 Electrical equipment, plumbing, and combustible materials
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 87. (a) All wiring in the building shall comply with 675 IAC 17, the Indiana electrical rules, and shall be approved as required under 675 IAC 12.

(b) Receptacles and outlets serviced by extension cord type wiring are prohibited.

(c) New plumbing equipment shall meet the requirements under 675 IAC 16.

(d) If a gas water heater is used, it shall be vented as required under 675 IAC 18.

(e) The institution shall be kept free from fire hazards. Combustible materials such as paper, rags, excelsior, and other

flammable materials shall not be permitted to accumulate upon the premises. Dust and grease shall be regularly cleaned from hoods above stoves and other equipment.

(f) All flammable liquids shall be in tightly sealed containers when not in use and shall be stored on the premises only in such quantities and in such rooms as are specifically allowed under 675 IAC. Such rooms shall be locked to children.

(g) The construction of rooms housing flammable or combustible materials on the premises shall comply with 675 IAC and shall be approved as required under 675 IAC 12. *(Division of Family and Children; 470 IAC 3-13-87; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2024; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-88 Halls, windows, doors, and exits

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 88. (a) All stairways, halls, aisles, corridors, and exits shall be lighted at all times and free of any obstructions.

(b) All interior exit stairways shall be enclosed in accordance with 675 IAC unless equivalent fire protection is provided as determined under 675 IAC.

(c) Exits shall not pass through kitchens, storerooms, bathrooms, closets, or spaces used for similar purposes.

(d) The occupant load for which means of egress shall be provided for any floor shall be determined in accordance with 675 IAC.

(e) All buildings shall have openings consisting of windows or doors in accordance with 675 IAC.

(f) Windows which are hazardous to children shall be equipped with screens or guards which shall be attached in such a way that they may either be removed from the outside or broken into from the outside in case of fire.

(g) All exit doors shall be readily accessible and usable at all times, shall swing in the direction of exit travel, and shall discharge directly to the outside. Exit doors shall be equipped with panic hardware or the equivalent, when required, in accordance with 675 IAC.

(h) Every interior door shall be such that children can open the door from the inside, except that a confinement room may be locked as provided under section 58 of this rule.

(i) Bathroom door locks shall be designed to permit opening a locked door from the outside in an emergency. The opening device shall be readily accessible to the staff. *(Division of Family and Children; 470 IAC 3-13-88; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2024; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-13-89 Safety equipment and procedures

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 89. (a) A fire and smoke alarm system shall be submitted for approval as required under 675 IAC 12. Plans and specifications for both systems shall be submitted as required under 675 IAC 12.

(b) Access to exits shall be indicated by visible exit signs as required under 675 IAC 13.

(c) Emergency lighting shall be provided in all interior stairs and corridors.

(d) Fire extinguishers or other firefighting equipment shall be provided as directed under 675 IAC.

(e) The fire extinguishers shall be plainly visible and easily accessible at all times.

(f) The cooking area shall be protected with a minimum of one (1) 5-B:C rated portable fire extinguisher or more as required by NFPA 10, as adopted under 675 IAC 22.

(g) All cooking equipment shall conform to 675 IAC.

(h) The institution shall have written, posted evacuation procedures in case of fires and other emergencies. The procedures shall be taught to all staff as a part of their orientation. Disaster evacuation procedures shall be posted in all living units.

(i) Fire drills shall be conducted monthly and noted in the records or reports of the institution for review. *(Division of Family and Children; 470 IAC 3-13-89; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2025; errata filed Jul 1, 1991, 11:00 a.m.: 14 IR 2066; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

Rule 14. Children's Homes and Child Caring Institutions Defined as Group Homes

470 IAC 3-14-1 Applicability
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 1. (a) This rule applies to all child caring institutions which are licensed by the SDPW as group homes caring for ten (10) or less children.

(b) A licensee caring for ten (10) or less children may be issued and hold one (1) of the following combinations of licenses concurrently within a single facility:

(1) A license to operate a group home under this rule.

(2) A license to operate an emergency shelter under 470 IAC 3-15.

(3) A license to operate a group home under this rule and a license to operate an emergency shelter under 470 IAC 3-15.

(c) The group home shall be a one (1) or two (2) family dwelling and shall be one (1) of the following:

(1) A single facility without affiliation with an institution.

(2) A facility affiliated with an institution and located apart from the institution.

(Division of Family and Children; 470 IAC 3-14-1; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2025; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-14-2 "Administrator" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 2. As used in this rule, "administrator" means the person designated by the governing body and responsible for the general management and administration of the child caring institution. *(Division of Family and Children; 470 IAC 3-14-2; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2026; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-3 "Admission" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 3. As used in this rule, "admission" means the process of entering a child in a child caring institution. *(Division of Family and Children; 470 IAC 3-14-3; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2026; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-4 "Application" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 4. As used in this rule, "application" means the forms and methods by the SDPW to gather information about and document the intent to operate a child caring institution. The application includes the completion of the appropriate SDPW form, a signed, notarized criminal history affidavit, a financial statement, and any requests for waivers or variances from the agency. *(Division of Family and Children; 470 IAC 3-14-4; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2026; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-5 "Children's home" or "child caring institution" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 5. As used in this rule, "children's home" or "child caring institution" means a children's home, an orphanage, an institution, a shelter care facility, a private secure facility, or other place maintained or conducted by any group of individuals, or political subdivision engaged in:

(1) receiving and caring for dependent children, children in need of services, or delinquent children; or

(2) operating for gain a private business of boarding children who are unattended by a parent, guardian, or custodian. *(Division of Family and Children; 470 IAC 3-14-5; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2026; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-6 "Communicable disease" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 6. As used in this rule, "communicable disease" means an illness due to an infectious agent or its toxic products which is transmitted directly or indirectly to a well person from an infected person, animal, or arthropod, or through the agency of an intermediate host, vector, or the inanimate environment. *(Division of Family and Children; 470 IAC 3-14-6; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2026; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-7 "Confinement room" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 7. As used in this rule, "confinement room" means a locked room which is used for the exclusive purpose of isolating a child in order to help the child control his or her behavior. *(Division of Family and Children; 470 IAC 3-14-7; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2026; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-8 "Corporal punishment" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 8. As used in this rule, "corporal punishment" means any kind of punishment inflicted upon the body. Corporal punishment includes, but is not limited to, slapping, hitting, spanking, pinching, and pushing. *(Division of Family and Children; 470 IAC 3-14-8; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2026; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-9 "Emergency shelter" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 9. As used in this rule, "emergency shelter" means a short term place of residence, other than a secure facility that:
(1) is not locked to prevent a child's departure unless the administrator determines that locking is necessary to protect the child's health; and
(2) provides twenty-four (24) hours a day temporary care for not more than sixty (60) consecutive days to an individual child six (6) years of age or older admitted on an emergency basis.
(Division of Family and Children; 470 IAC 3-14-9; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2026; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-14-10 "Food service" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 10. As used in this rule, "food service" means the preparation and serving of meals and snacks. *(Division of Family and Children; 470 IAC 3-14-10; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2027; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-11 "FPBSC" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 11. As used in this rule, "FPBSC" means the fire prevention and building safety commission. *(Division of Family and Children; 470 IAC 3-14-11; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2027; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-12 "Governing body" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 12. As used in this rule, "governing body" means the person, or group of persons, which has the ultimate administrative, fiscal, and managerial control of a child caring institution. *(Division of Family and Children; 470 IAC 3-14-12; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2027; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-13 "Group home" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 13. As used in this rule, "group home" means a type of child caring institution licensed for ten (10) or fewer children, six (6) years of age or older, who are apart from their parents or guardian on a twenty-four (24) hour a day basis and who have demonstrated the ability to follow direction and take appropriate action for self-preservation. *(Division of Family and Children; 470 IAC 3-14-13; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2027; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-14 "Institution" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 14. As used in this rule, "institution" means a type of child caring institution licensed for more than ten (10) children. Nothing in 470 IAC 3-11 or 470 IAC 3-12 shall preclude an institution caring for ten (10) or less children from being licensed under 470 IAC 3-11 or 470 IAC 3-12. *(Division of Family and Children; 470 IAC 3-14-14; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2027; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-15 "License" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 15. As used in this rule, "license" means a document authorizing the operation of a child caring institution at a specific address, the number of children which may be cared for, the age range and gender of the children, and the expiration date of the authorization. *(Division of Family and Children; 470 IAC 3-14-15; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2027; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-16 "Living unit" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 16. As used in this rule, "living unit" means the building or part of a building which contains separate living, sleeping, and sanitation facilities for a group of children who eat, sleep, and have some of their daily activities apart from other groups of children. *(Division of Family and Children; 470 IAC 3-14-16; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2027; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-17 "Mechanical restraints" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 17. As used in this rule, "mechanical restraints" means any objects that restrict a child's mobility or ability to use his/her hands, arms, or legs. Medical and therapeutic equipment for the prevention and treatment of physical injury that are used and applied by order of a licensed physician are not mechanical restraints. *(Division of Family and Children; 470 IAC 3-14-17; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2027; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-18 "Needs assessment" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 18. As used in this rule, "needs assessment" means a written study which documents that the specific services offered by a child caring institution will be used by referral sources within the geographic area to be served. *(Division of Family and Children; 470 IAC 3-14-18; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2027; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-19 "Parent agency" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 19. As used in this rule, "parent agency" means the agency or governmental unit which has the administrative, supervisory, and service responsibility for the child caring institution. *(Division of Family and Children; 470 IAC 3-14-19; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2027; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-20 "Placing agency" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 20. As used in this rule, "placing agency" means a county department of public welfare, a juvenile probation department, or a child placing agency, as defined in IC 12-3-2-5 *[IC 12-3 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.]*, who places a child into a child caring institution. *(Division of Family and Children; 470 IAC 3-14-20; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2028; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-21 "Placing parent or guardian" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 21. As used in this rule, "placing parent or guardian" means a person who places his or her child into a child caring institution when the child is not a ward of the county or court. *(Division of Family and Children; 470 IAC 3-14-21; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2028; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-22 "Private secure facility" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 22. (a) As used in this rule, "private secure facility" means a locked living unit of an institution for gravely disabled children with chronic behavior that harms themselves or others.

(b) Locked detention or locked isolation rooms do not constitute a private secure facility. *(Division of Family and Children; 470 IAC 3-14-22; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2028; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-23 "Program director" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 23. As used in this rule, "program director" means the staff person responsible for the development, implementation, and supervision of the treatment programs. *(Division of Family and Children; 470 IAC 3-14-23; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2028; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-24 "Provisional license" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 24. As used in this rule, "provisional license" means a license issued to a child caring institution which is temporarily unable to conform to all rules of the SDPW. *(Division of Family and Children; 470 IAC 3-14-24; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2028; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-25 "Psychotropic medication" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 25. As used in this rule, "psychotropic medication" means a drug or substance which exerts an effect upon the mind and is capable of modifying mental activity. *(Division of Family and Children; 470 IAC 3-14-25; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2028; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-26 "SBH" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 26. As used in this rule, "SBH" means the Indiana state board of health. *(Division of Family and Children; 470 IAC 3-14-26; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2028; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-27 "SDPW" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 27. As used in this rule, "SDPW" means the state department of public welfare. *(Division of Family and Children; 470 IAC 3-14-27; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2028; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-28 "SFM" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 28. As used in this rule, "SFM" means the office of the state fire marshal. *(Division of Family and Children; 470 IAC 3-14-28; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2028; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-29 "Staff development" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 29. As used in this rule, "staff development" means an ongoing educational process to enhance skills which relate to

current employment. It may include, but is not limited to, workshops, reading, formal training, films, training by supervisors or consultants, and may be in subject areas such as child care, child development, emergency and first aid procedures, and behavior management. *(Division of Family and Children; 470 IAC 3-14-29; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2028; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-30 "Treatment plan" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 30. As used in this rule, "treatment plan" means a goal-oriented, time-limited, individualized program of action for a child and his or her family, developed by the child caring institution in cooperation with the placing agency and the family. *(Division of Family and Children; 470 IAC 3-14-30; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2028; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-31 "Variance" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 31. As used in this rule, "variance" means official permission granted by the SDPW to meet the intent of a specific rule in a way other than specified by the rule. *(Division of Family and Children; 470 IAC 3-14-31; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2029; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-32 "Waiver" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 32. As used in this rule, "waiver" means official permission granted by the SDPW not to meet a specific regulation. *(Division of Family and Children; 470 IAC 3-14-32; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2029; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-33 Licensing procedures
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 33. (a) An application for a license to operate a child caring institution shall be submitted to the SDPW by the administrator or other person designated by the governing body on forms provided for that purpose by the SDPW.

(b) An application for renewal of licensure shall be submitted annually to the SDPW by a child caring institution which wishes to have its license renewed.

(c) A new child caring institution shall receive a six (6) month provisional license for its initial licensure to permit evaluation of the program by the SDPW.

(d) A child caring institution shall not care for children under the age of six (6) years.

(e) The license shall be posted in a conspicuous place in the child caring institution. *(Division of Family and Children; 470 IAC 3-14-33; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2029; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-34 Termination of license
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 34. (a) A license shall be terminated and a new application required whenever:

(1) the name of the licensee changes;

(2) the type of child caring institution changes;
(3) the address of the child caring institution changes; or
(4) the capacity, age range, or gender of children served changes.
(b) A license shall be terminated whenever the child caring institution closes. *(Division of Family and Children; 470 IAC 3-14-34; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2029; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-35 Waivers and variances
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 35. (a) The child caring institution shall submit a written request to SDPW for a waiver or variance as follows:
(1) For a waiver, the written request shall show documentation that compliance will create an undue hardship on the applicant.
(2) For a variance, the written request shall show documentation of the need and the alternate method of compliance.
(b) The SDPW shall review the written request based on but not limited to the following:
(1) On-site review, if applicable.
(2) Written documentation.
(3) Review of the requests by SDPW field consultants and administration.
(4) If applicable, SBH review and FPBSC approval as required under 675 IAC 12.
(c) The SDPW shall provide within ninety (90) days of the receipt of the written request, a written response of denial or approval.
(d) All decisions will be based on the best interests of the children in care and will not be adverse to their health, safety, or welfare. *(Division of Family and Children; 470 IAC 3-14-35; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2029; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-36 Reporting requirements
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 36. (a) The child caring institution shall report the following changes or events to the SDPW prior to occurrence:
(1) Change in licensed capacity.
(2) Major alterations or changes in buildings or in use of rooms.
(3) Addition or termination of program services offered.
(4) Changes in administrative personnel.
(5) Termination of services.
(6) Changes in discipline policies.
(7) Changes in confinement room policies, if applicable.
(b) The child caring institution shall report the following changes or events immediately upon occurrence:
(1) A fire on the premises of the child caring institution.
(2) Death or serious injury requiring treatment of a child in a hospital or emergency care facility.
(3) Any communicable disease requiring hospitalization of a child.
(4) Any suspected or known incidents or evidence of child abuse or neglect. Such a report does not replace any other duty as required under IC 31-6-11 *[IC 31-6 was repealed by P.L.1-1997, SECTION 157, effective July 1, 1997.]*.
(5) A court ordered placement that results in an excess in the number of children authorized by the license.
(Division of Family and Children; 470 IAC 3-14-36; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2029; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-14-37 Plan of operation
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 37. (a) Prior to initial licensure, the child caring institution shall submit to the SDPW the following documentation:
(1) Needs assessment.
(2) Purpose of child caring institution.
(3) Ages, gender, and type of children to be served.
(4) Location of child caring institution and geographic area from which children will be received.
(5) Type of buildings.
(6) Financial information regarding the following:
(A) New construction and maintenance of building.
(B) Operation of the child caring institution and child care program.
(C) Sources of income and fundraising methods.
(7) Program design for the children as follows:
(A) Emotional and social development.
(B) Education.
(C) Work program.
(D) Recreation.
(E) Nutrition.
(F) Medical and dental care.
(G) Clothing.
(H) Family involvement.
(I) Discipline.
(8) Administration is to include the following:
(A) Identification of the governing body or members of the board of Directors including full name, address, and occupation of each.
(B) A plan for staffing including number and types of positions anticipated, job descriptions, and qualifications.
(b) The child caring institution shall operate in accordance with the written plan of operation. *(Division of Family and Children; 470 IAC 3-14-37; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2030; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-38 Governing body
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 38. (a) The child caring institution shall have a governing body which exercises authority over, and has responsibility for, the operation, policy, and practices of the facility.
(b) Employees, including the administrator, shall not constitute a majority membership in the governing body. *(Division of Family and Children; 470 IAC 3-14-38; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2030; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-39 Financial resources; accounting; insurance
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 39. (a) The child caring institution shall maintain financial resources to meet the rules established by the SDPW. The child caring institution shall document these resources and make such documentation available to the SDPW upon request.
(b) A new child caring institution shall certify that funds are available for the first three (3) months of operation.
(c) The child caring institution shall prepare an annual budget showing income according to sources and estimated expenditures classified according to the following:
(1) Salaries.
(2) Food.
(3) Clothing.
(4) Child development and child care program.

(5) Fixed expenses.

(6) Maintenance, repair, and replacement of furnishings and equipment.

(d) The child caring institution shall have an annual audit or financial review of all accounts by a certified public accountant appointed by the governing body. This accountant may not be a member of the governing body nor be an employee of a member of the governing body.

(e) Governmentally operated child caring institutions shall comply with any auditing requirements of the state of Indiana.

(f) The treasurer, administrator, and any other persons handling funds shall be bonded.

(g) Any child caring institution, which is not governmentally operated, shall carry insurance which includes the following:

(1) Public liability.

(2) Worker's compensation.

(3) Fire and disaster insurance on the property.

(h) The child caring institution shall carry or require staff to carry automobile liability and property damage insurance if the child caring institution uses an automobile, whether it is owned by the child caring institution, an employee, or volunteer. *(Division of Family and Children; 470 IAC 3-14-39; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2030; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-40 Admission

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 40. (a) Admission policies shall be clearly defined and stated in writing.

(b) The child caring institution shall obtain, prior to admission of a child, information about the child and family circumstances to determine whether care in the child caring institution is in the best interest of the child. *(Division of Family and Children; 470 IAC 3-14-40; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2031; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-41 Placement agreement

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 41. The child caring institution shall have a written placement agreement with the placing agency or placing parent or guardian which includes at least the following:

(1) Authorization to care for the child.

(2) Provision for treatment plan reviews.

(3) The financial plan for payment of care and services covered.

(4) Permission for the child caring institution to seek routine and emergency medical, surgical, and hospital care.

(Division of Family and Children; 470 IAC 3-14-41; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2031; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-14-42 Personnel policies

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 42. (a) The child caring institution shall establish and follow written policies regarding employment, compensation, and terms and conditions of work. The written personnel policies shall be made available and known to each employee at the time of employment.

(b) The qualifications, duties, responsibilities, and authority of each person shall be defined and stated in writing.

(c) The child caring institution shall maintain an organizational chart.

(d) The child caring institution shall inform staff of the rules for child caring institutions and written operating policies, and shall make these documents available to staff for review.

(e) Each employee, including the administrator, shall receive a written evaluation of individual performance at least annually.

(Division of Family and Children; 470 IAC 3-14-42; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2031; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-14-43 Record keeping; general

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 43. (a) The child caring institution shall make all records pertaining to personnel and children in care available for SDPW, SBH, and SFM review.

(b) The child caring institution shall make medical records of children and staff available for SDPW and SBH review.

(c) Children's records shall be available only to the child, the placing agency, parent, guardian, or any of their written designees in addition to SDPW, SBH, and SFM. The local school corporation shall have access to children's records to the extent necessary to provide educational services and only in compliance with statutory requirements regarding confidentiality and access. *(Division of Family and Children; 470 IAC 3-14-43; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2031; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-44 Personnel records

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 44. (a) The child caring institution shall establish and maintain an individual record for each staff member.

(b) The record shall include the following information prior to employment:

(1) Application.
(2) Name, address, and telephone number.
(3) Name, address, and telephone number of the person to be notified in the event of an emergency.
(4) Documentation of training, education, experience, and any other required qualifications.
(5) Reference notes or reports, with evaluations of ability, character, and suitability for working with children.
(6) Signed, notarized criminal history affidavit.

(c) The record shall include the following information after employment:

(1) Documentation of initial physical examination and results of Mantoux tuberculin testing.
(2) Annual report of Mantoux tuberculin test results.
(3) Annual evaluation of employee's performance.
(4) Documentation of workshops or training sessions attended and of courses of study successfully completed.
(5) Dates of employment and termination with any reason for termination.
(6) Copies of any incident report involving the staff member.

(d) If the personnel records are maintained at an office located apart from the group home residence, a copy of the health record of the direct care worker and the name, address, and telephone numbers of the person to be notified in the event of an emergency shall be kept on the premises of the group home. *(Division of Family and Children; 470 IAC 3-14-44; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2031; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-45 Volunteer records

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 45. The child caring institution shall maintain a record of the following information for each volunteer:

(1) Name, address, and telephone number.
(2) Name, address, and telephone number of the person to be notified in the event of an emergency.
(3) Documentation of reference with an evaluation of the following:
    (A) Ability, character, and suitability for working with children.
    (B) Orientation and training, as required under section 54 of this rule.

(4) Documentation of initial physical examination and annual Mantoux tuberculin testing, if working in food service, or if having direct contact with children.

(Division of Family and Children; 470 IAC 3-14-45; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2032; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-14-46 Child's records

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 46. (a) The child caring institution shall maintain a record of the following information for each child admitted:

(1) Name.
(2) Sex.
(3) Date of birth.
(4) Name, address, and marital status of both parents.
(5) Name, age, and address of child's brothers and sisters, step or half-brothers and sisters, and near relatives.
(6) Religious information necessary to provide appropriate services.
(7) Information upon which the admission decision was based.
(8) Name of agencies which have had contact with the child and the family and dates of contacts.
(9) Name and address of person or placing agency requesting admission.
(10) Date of admission.
(11) Written agreement with the placing agency or person.
(12) A copy of the court order or other document authorizing placement of the child in the child caring institution.
(13) SDPW case plan, if applicable.
(14) Initial assessment of child and family and resulting treatment plan.
(15) Written quarterly progress reports and six (6) month treatment plan revisions.
(16) Documentation of efforts to provide services to the child's family.
(17) Documentation of any discipline of a child which results in an injury.
(18) School report, including teachers' evaluation of child's progress.
(19) Report by any specialist, such as psychiatrist or psychologist, if applicable.
(20) Discharge information required under section 65 of this rule.

(b) The child caring institution shall keep case records confidential and shall safeguard against the possibility of loss by fire, theft, or destruction.

(c) Staff entries in case records shall be dated and signed.

(d) The child caring institution shall keep each child's case record for at least five (5) years after the child is discharged. For records older than five (5) years, the child caring institution shall retain at least the information required in subsection (a)(1) through (a)(5), (a)(10), (a)(12), and (a)(20).

(e) If the children's records are maintained at an office located apart from the group home residence, a copy of the treatment plan and subsequent revisions and all health records shall be kept on the premises of the group home. *(Division of Family and Children; 470 IAC 3-14-46; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2032; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-47 Employee qualifications; generally

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 47. The child caring institution shall employ staff who are qualified by education, training, and experience for their assigned responsibility. An employee who is in a position on the effective date of this rule and who was qualified for that position under the previous rule 470 IAC 3-6 *[470 IAC 3-6 was repealed filed Jun 27, 1991, 12:00 p.m.: 14 IR 2045.]*, is exempted from this rule. *(Division of Family and Children; 470 IAC 3-14-47; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2033; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-48 Administrative personnel

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 48. (a) The child caring institution shall employ staff to perform administrative, supervisory, service, and direct care functions.

(b) Functions may be combined only upon the approval of the SDPW.

(c) When nondirect care functions have been approved by SDPW and are combined, the staff member shall meet the requirements for each function.

(d) The administrator shall be at least twenty-five (25) years of age.

(e) The staff member responsible for the general management and administration of the group home shall have one (1) of the following:

(1) A master's degree in social work or a master's degree in a human service area of study from an accredited school and one (1) year of experience in child care services.

(2) A bachelor's degree in social work or a bachelor's degree in a human service area of study from an accredited school and two (2) years of experience in child care services, including at least one (1) year of experience in a supervisory capacity.

(f) If the group home is owned and administered by a parent agency and the parent agency employs an administrator who meets the qualifications of this section, the group home need not employ a separate administrator; however, the parent agency shall provide supervision of the group home by a person meeting at least the qualifications of a caseworker as defined in section 49 of this rule.

(g) The position of administrator shall be a full-time position if the administrator is responsible for the administrative, service, and supervisory functions required under this section.

(h) When the position of administrator is vacated, the governing body shall designate a qualified person to act as administrator.

(Division of Family and Children; 470 IAC 3-14-48; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2033; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-14-49 Professional personnel

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 49. (a) The staff, hereafter referred to as caseworker, who perform casework or group work tasks, counseling with children and their families, or planning of services for children and their families, shall have a master's degree in social work, psychology, or counseling from an accredited school. The caseworker may have a bachelor's degree in social work, psychology, counseling, or a related area of study from an accredited school if under the supervision of a person holding a master's degree in social work, psychology, or counseling.

(b) Professional staff which are full-time, part-time, or consulting, including psychologists, psychiatrists, physicians, dentists, teachers, and nurses, shall meet the respective licensing or certification requirements of their profession in the state of Indiana.

(c) Professional services required for residents of group homes may be provided by one (1) of the following:

(1) Direct employment of qualified staff.

(2) Contract with qualified staff.

(3) Qualified staff from the parent agency.

(4) A community mental health clinic.

(5) The child placing agency.

(6) The administrator.

(Division of Family and Children; 470 IAC 3-14-49; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2033; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-14-50 Direct care personnel; child-staff ratios

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 50. (a) The staff members responsible for the daily direct care and supervision of the children shall be at least twenty-one (21) years of age and shall have at least a high school or equivalency diploma.

(b) The group home shall count all children who live with their parents at the group home in determining the child-staff ratio and in the licensed capacity of the group home. A house-parent who serves in that capacity on the effective date of this rule and who was qualified for that position under the previous rule 470 IAC 3-6 *[470 IAC 3-6 was repealed filed Jun 27, 1991, 12:00 p.m.: 14 IR 2045.]*, is exempted from the specific requirements for these child-staff ratios.

(c) At least one (1) direct care worker shall be on duty in the group home at all times when children are present.

(d) When the total number of children in residence includes three (3) or more children under eight (8) years of age, there shall be at least two (2) direct care workers on duty at all times when the children under eight (8) years of age are present whether the children are awake or asleep.

(e) When a group of ten (10) or fewer children is under the care of one (1) employee, the group home shall have a written plan for that employee to summon another adult to assist in case of an emergency without leaving the children unattended.

(f) The same child-staff ratios shall be maintained for group off-campus activities. *(Division of Family and Children; 470 IAC 3-14-50; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2033; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-51 Volunteers

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 51. (a) A child caring institution which utilizes volunteers shall have and follow a written plan. The plan shall include provision for the following:

(1) Reference checks.

(2) Supervision by a paid staff member.

(3) Orientation and training in the philosophy of the child caring institution, the needs of children in care, and the methods of meeting those needs.

(b) If volunteers are in direct contact with the residents, they shall meet the same age and health requirements as paid direct care staff. *(Division of Family and Children; 470 IAC 3-14-51; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2034; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-52 Students

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 52. Graduate or undergraduate students in a field work placement at the child caring institution shall be subject to the general personnel policies of the child caring institution, but shall not be considered or used as substitutes for employed staff. *(Division of Family and Children; 470 IAC 3-14-52; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2034; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-53 Relief staff

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 53. (a) The child caring institution shall employ a sufficient number of qualified persons to provide care and supervision for the children at all times.

(b) The child caring institution shall operate and maintain the program without depending on the work of the children or detracting from the primary work of direct care workers in the care and supervision of children.

(c) The child caring institution shall provide planned relief for direct care staff. The child caring institution shall have qualified relief staff to substitute for direct care staff for sick leave, vacation, relief time, and other absences.

(d) The administrator shall designate in writing a staff member on the premises to be in charge when the administrator is absent. The designated staff member shall have sufficient knowledge of SDPW requirements and emergency procedures to make

appropriate decisions. *(Division of Family and Children; 470 IAC 3-14-53; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2034; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-54 Staff development

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 54. (a) The child caring institution shall have a written plan for the orientation, ongoing training, and development of all staff members.

(b) The child caring institution shall provide each new staff member planned job orientation within two (2) weeks of the starting date of employment.

(c) Staff members working directly with children shall receive at least twenty (20) clock hours of training activities during each full year of employment. Part-time staff members shall receive at least ten (10) hours of training activities during each full year of employment. Activities related to supervision of the staff member's routine tasks shall not be considered training activities for the purposes of this subsection.

(d) The child caring institution shall document that each staff member working directly with children receives training in the following areas:

(1) Administrative procedures and overall program goals.
(2) Principles and practices of child care.
(3) Family relationships and the impact of separation.
(4) Behavior management techniques.
(5) Emergency and safety procedures.
(6) Identification and reporting of child abuse and neglect.

(e) Each direct care worker shall be trained in basic first aid techniques. Review courses shall be provided to direct care workers no less than every three (3) years. First aid training and review courses shall be in addition to the minimum training hours and subject areas required under this section. *(Division of Family and Children; 470 IAC 3-14-54; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2034; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-55 Daily routines

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 55. (a) The child caring institution shall provide the children with a daily routine which is planned to develop healthful habits in eating, sleeping, and exercising.

(b) The child caring institution shall provide each child with training and assistance in maintaining good habits of personal care and hygiene, including bathing, brushing teeth, grooming, and changing soiled or wet clothing as needed.

(c) The daily routine shall provide time for privacy and individual pursuits of each child, including provision for opportunity to be away from the group when it is necessary and safe for the child to be alone. *(Division of Family and Children; 470 IAC 3-14-55; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2035; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-56 Personal items

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 56. (a) The child caring institution shall provide each child with individually selected and fitted clothing, suitable for the child's age, sex, activities, and appropriate for the season and current weather conditions.

(b) The child caring institution shall involve the child in the selection, care, and maintenance of personal clothing as appropriate to the child's age and ability.

(c) The child caring institution shall allow each child to own and acquire clothing, toys, and personal belongings appropriate to age and development.

(d) The child caring institution shall provide storage space within reach of the child for personal possessions, clothing, and supplies.

(e) The child caring institution shall give each child an allowance for personal expenses.

(f) The child caring institution shall give all personal belongings and clothing to the child when care is terminated. *(Division of Family and Children; 470 IAC 3-14-56; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2035; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-57 Discipline and guidance

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 57. (a) The child caring institution shall have a written discipline policy and shall make the policy available to placement agencies, staff, parents, and children in care.

(b) Discipline and guidance shall be as follows:

(1) Consistent.

(2) Based on an understanding of individual needs and development.

(3) Promote self-discipline and acceptable social behavior.

(c) Children shall be treated kindly and humanely at all times.

(d) The administrator shall not use, or permit any person to use, any of the following:

(1) Cruel, harsh, or unusual punishment.

(2) Treatment which is mentally, physically, or emotionally abusive or neglectful.

(3) Any humiliating or frightening method to control the actions of any child or group of children.

(e) Children shall not be humiliated or subjected to degrading, abusive, or profane language.

(f) The use of a confinement room and the use of mechanical restraints are prohibited in a group home.

(g) The child caring institution shall prohibit, as a method of discipline, the following:

(1) Confinement to a locked or dark room.

(2) Use of mechanical restraints.

(3) Undue confinement to bed.

(4) Deprivation of meals or snacks.

(5) Inappropriate assignment of work.

(6) Group discipline for an offense by an individual child.

(7) Any child or group of children punishing another child.

(8) Deprivation of visits or contact with parents, guardian ad litem, court appointed special advocate, or placing worker. *(Division of Family and Children; 470 IAC 3-14-57; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2035; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-58 Education

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 58. (a) Each child shall be given the same opportunity for education as other children in the community.

(b) Children who are wards of the SDPW shall attend only public schools or private schools with appropriately certified teachers by the state department of education for the age group and classes they teach. This requirement shall include any on-grounds schools.

(c) When children in residence attend a school off-grounds and when transportation to and from school is not provided by the school, the child caring institution shall provide suitable transportation for the children.

(d) The child caring institution shall provide each child not receiving public education under 511 IAC 7-1 *[511 IAC 7-1 was repealed filed Dec 9, 1991, 8:30 a.m.: 15 IR 558.]* with help in the selection of an occupation and in arrangements for necessary vocational training or education, provided that the child will benefit from such training or education. *(Division of Family and Children; 470 IAC 3-14-58; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2036; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-59 Religion
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 59. (a) The child caring institution shall make available the opportunity to participate in religious activities in accordance with the child's religious faith in so far as is practical.

(b) The child caring institution shall have a written description of any religious orientation and of particular religious practices that are observed and expected of the child. The description shall be distributed prior to admission to parents and the placing agency. *(Division of Family and Children; 470 IAC 3-14-59; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2036; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-60 Work experience
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 60. (a) The child caring institution may use work experience to provide a learning experience for children. The child caring institution shall not use such work experience as a substitute for staff members.

(b) The child caring institution may provide work experience and training which is appropriate to the age, health, and ability of the children in care. However, the child caring institution shall not require a child to do work which would interfere with time for school, study, and recreation periods, religious participation, normal community contacts, or visits with family. *(Division of Family and Children; 470 IAC 3-14-60; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2036; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-61 Recreation
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 61. (a) The child caring institution shall provide a written plan for indoor and outdoor recreational and social activities for the children. These activities shall be provided in accordance with the ages, abilities, and interest of the children participating.

(b) The child caring institution shall assign the responsibility for planning and maintaining a program of recreational and social activities to a staff member who is given adequate time to carry out the responsibility.

(c) The child caring institution shall provide the facilities needed for recreation and shall use community recreational and social facilities when available and suitable. *(Division of Family and Children; 470 IAC 3-14-61; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2036; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-62 Visiting; correspondence
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 62. (a) The child caring institution shall have written policies and procedures which provide for visits with families, mail, telephone calls, and other forms of children's communication with family, friends, and significant others.

(b) Denial of home visits shall be made only in accordance with the treatment plan as approved by the placing agency.

(c) The child caring institution shall prohibit overnight visits with staff or persons other than the child's family except as such persons are identified by the treatment plan for the child and are approved by the placing agency.

(d) The child caring institution shall make writing material available to children in care. Each child shall have privacy in handling his or her correspondence.

(e) The child caring institution may require that a child open his or her mail in the presence of a staff member if there is reasonable fear that the contents other than the letter may harm the child or others. However, staff persons shall not have the right to withhold a child's correspondence without a court order. *(Division of Family and Children; 470 IAC 3-14-62; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2036; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-63 Transportation
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 63. (a) If the child caring institution provides for transportation of children and staff, any vehicle used shall be licensed in accordance with state law and shall be maintained in safe operating condition.

(b) The operator shall have a proper license to drive such vehicle.

(c) Children shall be loaded or unloaded only from the curb side of the vehicle and at the curb.

(d) Seat belts shall be used for each occupant at all times when the vehicle is in motion, unless the vehicle is specifically exempted by state law.

(e) Only that number of children and adults for whom there is comfortable seating space shall be transported in one (1) vehicle. No child shall be permitted to stand in the vehicle when being transported. *(Division of Family and Children; 470 IAC 3-14-63; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2037; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-64 Treatment plan
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 64. (a) The child caring institution shall have completed a written treatment plan for each child within forty-five (45) days of admission and shall provide a copy of the plan to the placing agency or placing parent or guardian.

(b) The child caring institution shall involve staff members who provide direct care, social services, education, recreation, and health services in developing and implementing the treatment plan for the child and the family.

(c) The child caring institution shall involve the child, the parent, legal guardian, or placing agency when available in the development of the treatment plan. Upon request, the parent or guardian shall receive a copy of the plan.

(d) The treatment plan shall include an assessment of the following with the child and family:

(1) Needs.

(2) Strengths.

(3) Weaknesses.

(4) Problem areas.

(e) The treatment plan shall state goals to be achieved, staff assignments, time schedules, and steps to be taken to meet the goals in at least the following areas:

(1) Education.

(2) Daily living activities.

(3) Any specialized recreation.

(4) Any specialized services, such as counseling.

(5) Family involvement and plan for visitation.

(6) The projected length of stay.

(f) If the assessment of a child indicates the child is in need of treatment by a psychiatrist or is currently under psychiatric care, the child caring institution shall provide or arrange for appropriate consultation and treatment.

(g) The child caring institution shall share with the child decisions regarding development, changes, or continuation of plans, and contacts with the family, placing agency, or other significant persons outside the child caring institution.

(h) The child caring institution shall review and revise as necessary the treatment plan at least every six (6) months. The review shall include input from the child, direct care workers, and the placing agency.

(i) The child caring institution shall provide a written summary of each quarterly review to the placing agency or placing parent or guardian. *(Division of Family and Children; 470 IAC 3-14-64; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2037; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-65 Discharge
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 65. (a) At the time of discharge, the child caring institution shall document the following in the child's case record:
(1) A summary of services, an assessment of goal achievement, and identification of the needs remaining to be met.
(2) Recommendations for the child and family following discharge.
(3) The date and reasons for discharge.
(4) The name, address, telephone number, and relationship of the person or agency to whom the child is released.
(b) At the time of discharge, the child caring institution shall make a summary of health recommendations for the child available to the parents, guardian, placing agency, or other individual or agency to whom the child is released. *(Division of Family and Children; 470 IAC 3-14-65; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2037; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-66 Services to families
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 66. (a) The child caring institution shall make efforts to maintain ongoing contact with the child's parents, guardian, or other primary caretaker. The child caring institution shall encourage these persons to communicate and visit with the child in accordance with the treatment plan and in compliance with or subject to court orders and any limitations stated therein.
(b) The child caring institution shall encourage parents to assume responsibilities for the child and to cooperate with the child caring institution in carrying out its plans for him or her. The child caring institution shall document efforts to provide services to the child's family. *(Division of Family and Children; 470 IAC 3-14-66; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2038; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-67 Health program requirements; written plan
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 67. (a) The child caring institution shall submit a written, dated health program to the SBH on forms provided by that agency. The written program shall be approved by the SBH.
(b) The child caring institution and the consulting licensed physician shall review and revise as necessary the written program and shall submit the program to the SBH every two (2) years. *(Division of Family and Children; 470 IAC 3-14-67; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2038; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-68 Medical services; generally
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 68. (a) The child caring institution shall engage the services of a licensed physician and licensed dentist to provide medical and dental examinations and care for the children in the child caring institution.
(b) The child caring institution shall report each hospitalization or visit to emergency medical facilities to the placing agency or the placing parent or guardian. *(Division of Family and Children; 470 IAC 3-14-68; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2038; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-69 First aid policies and practices
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 69. (a) The child caring institution shall establish written first aid policies for the care of illness or injury. The policies shall be dated and signed as approved by the consulting licensed physician. The child caring institution and the consulting licensed physician shall review the policies every two (2) years in conjunction with the written health program and revise them as necessary.
(b) First aid policies shall include, but are not limited to, directions for the care of the following:
(1) Poisoning.

(2) Seizures.
(3) Hemorrhaging.
(4) Artificial respiration.
(5) Choking.
(c) The child caring institution shall make the written first aid policies available to all staff and shall post them where they can be easily seen.
(d) Staff members shall have immediate access to the following:
(1) A telephone.
(2) The telephone numbers of the child caring institution's consulting licensed physician, consulting licensed dentist, and the nearest emergency medical facility.
(3) The telephone numbers for ambulance services, the local fire department, and the poison control center.
(4) The "Red Cross First Aid Manual" or its equivalent.
(5) First aid supplies, as specified by the child caring institution's consulting licensed physician.
(e) Staff members shall observe children for signs of illness or injury.
(f) The child caring institution shall keep first aid supplies in a place inaccessible to children, but easily accessible to staff.
(Division of Family and Children; 470 IAC 3-14-69; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2038; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-14-70 Medication; disbursement, application
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 70. (a) The giving or application of medication, providing dietary supplements, making special variations of diet, and carrying out medical procedures shall be done only on written order or prescription from a physician.
(b) Medication prescribed for an individual child shall be kept in the original container bearing the original pharmacy label showing the prescription number, the date filled, the physician's name, directions for use, and the child's name.
(c) When no longer needed, medication shall be returned to the physician or destroyed, and notation of such destruction or return shall be noted on the child's record. The child caring institution shall return unused portions of narcotic prescriptions to the prescribing physician or pharmacy.
(d) The consulting licensed physician's orders for "as needed" or over-the-counter medications shall be posted where such medications are stored.
(e) Medications shall not be administered past the expiration date.
(f) The staff member administering medication shall record the following information in the child's health record:
(1) The date and time of day when medication is given.
(2) Why it is given.
(3) How much is given.
(4) By whom administered.
(Division of Family and Children; 470 IAC 3-14-70; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2038; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-14-71 Psychotropic medication
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 71. (a) The child caring institution shall provide psychotropic medications to a child only as prescribed by a licensed physician or licensed psychiatrist who has the responsibility for the diagnosis, treatment, and therapeutic planning for the child.
(b) The child caring institution shall obtain from the prescribing licensed physician a written report at least every thirty (30) days for each child receiving psychotropic medication. The written report shall state the reasons medication is being continued, discontinued, or changed, as well as any recommended changes in the treatment goals and planning. The report shall be based on the licensed physician's review of reports by staff as well as the physician's actual observation of the child at least every ninety (90)

days. *(Division of Family and Children; 470 IAC 3-14-71; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2039; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-72 Storage of medication

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 72. (a) The child caring institution shall store all medication in a locked cabinet, box, or drawer and in a safe place, not accessible to children.

(b) Medication not requiring refrigeration shall not be stored in the kitchen.

(c) Medication requiring refrigeration shall be stored in a plastic container covered and clearly labeled "medication". *(Division of Family and Children; 470 IAC 3-14-72; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2039; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-73 Health requirements for children

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 73. (a) The child caring institution shall obtain from the placing agency or placing parent a statement indicating whether or not the child has, to the best of the applicant's knowledge, been exposed to a communicable disease within three (3) weeks prior to the date of admission.

(b) Each child shall receive a health examination by a licensed physician within three (3) months prior to admission, or not later than two (2) weeks after admission. The examination shall include the following:

(1) Health history.

(2) Physical examination.

(3) Vision and hearing screening.

(4) A Mantoux intradermal skin test for tuberculosis if the last such test is known to be negative or if there is no record of a test. If the Mantoux test is positive the child shall have a diagnostic chest x-ray and other indicated laboratory test to determine whether or not the disease is in an infectious state.

(5) A written statement from the licensed physician that in the physician's opinion there is no health condition that would be hazardous either to the child or to other children in the child caring institution.

(6) A statement of the medical findings, including physical defects and need for dental care, state of development, and ability of the child to take part in group activities, or a schedule of permitted activities if activities need to be limited.

(7) Each child shall receive a health examination, including a Mantoux tuberculin test annually and whenever there is reason to suspect that the child may have a condition hazardous or potentially hazardous to others or whenever the child's general condition indicates the need for an examination.

(c) Each child shall receive a dental examination from a licensed dentist as follows:

(1) Within thirty (30) days of admission unless the child caring institution has documentation of a dental examination within the six (6) months prior to admission.

(2) Annually.

(3) Whenever an interim condition indicates the need for examination or treatment.

(d) Any treatment or corrective measures required by the licensed physician or dentist shall be arranged by the child caring institution, as approved by a parent, legal guardian, or placing agency.

(e) The child caring institution, after attempting to determine the child's immunization history, shall ensure that each child has received all immunizations and booster shots which are required by the SBH.

(f) All children shall be immunized against routine childhood diseases unless exempted by a licensed physician's statement.

(g) A child may be exempted from immunizations against routine childhood diseases upon the good faith religious belief statement of the parent or guardian.

(h) The adequate immunizing doses and the child's age for administering each vaccine shall be those recommended by the American Academy of Pediatrics or by the United States Public Health Service Immunization Practices Advisory Committee.

(i) Adequate documentation of an immunization history shall consist of one (1) of the following:

(1) A licensed physician's certificate including the number and dates of doses administered.

(2) Immunization records forwarded from a school corporation including the number and dates of doses administered.

(3) A record maintained by the parent or guardian showing the month, day, and year during which each dose of vaccine was administered.

(j) If a licensed physician certifies in writing that a particular immunization required in this section is, or may be, detrimental to the child's health, the requirements for that particular immunization are not applicable for that child until the immunization is found no longer detrimental to the child's health.

(k) The child caring institution shall maintain a health record for each child. The record shall include the following:

(1) Admission and periodic health and dental examination information.

(2) A licensed physician's written instructions with regard to special dietary or health care required.

(3) Record of all medications and treatments.

(4) Record of observations and incidents, including accidents, injuries, or any other condition which may be associated with a health condition or possible abuse or neglect.

(Division of Family and Children; 470 IAC 3-14-73; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2039; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-14-74 Health requirements for staff members

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 74. (a) Within thirty (30) days of employment, each staff member shall have a health examination which includes a Mantoux tuberculin test or chest x-ray and any other test and immunization considered necessary by the licensed physician. If the Mantoux tuberculin test is positive, the chest x-ray is mandatory. The health examination may have been conducted within three (3) months prior to employment.

(b) The child caring institution shall require an annual Mantoux tuberculin test of all field work students, food service personnel, and employees having direct contact with children.

(c) Volunteers having direct contact with children shall meet the same health examination requirements as paid staff.

(d) The child caring institution shall not permit employees who become ill or who return to work following illness to work in a capacity which may transmit disease or be detrimental to the health of the children or other employees.

(e) Children of resident staff members who live with their parents at the child caring institution shall be subject to the following immunization requirements:

(1) The child caring institution shall ensure that each child has received all immunizations and booster shots which are required by the SBH.

(2) All children shall be immunized against routine childhood diseases unless exempted by a licensed physician's statement.

(3) A child may be exempted from immunizations against routine childhood diseases upon the good faith religious belief statement of the parent or guardian.

(Division of Family and Children; 470 IAC 3-14-74; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2040; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-14-75 Nutrition and food service, menus, vendor service, education

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 75. (a) The child caring institution shall submit a written plan for nutrition and food services, including four (4) weeks of proposed menus to the SBH on forms provided by that agency. The written plan shall be approved by the SBH. The child caring institution shall submit a written revised plan for nutrition and food services to the SBH every two (2) years.

(b) The child caring institution shall provide the following:

(1) Regardless of the number of children served, a menu for three (3) meals a day; afternoon and evening snacks planned one (1) week in advance of serving, corrected as served, and kept on file for review by the SBH for a period of one (1) year.

(2) A current week's menu for all snacks and meals which shall be posted in the kitchen and eating area.

(3) Food preparation and service personnel with documentation of any special dietary prohibitions or substitutions for each child for whom such instructions are necessary, as based upon the written order of the child's physician.

(c) Vendor service, when used by the child caring institution, shall be approved by the SBH.

(d) The child caring institution shall provide nutrition education to the children and shall provide training in basic nutrition, sanitation, and guidance in planning nutrition education to the staff.

(e) The child caring institution shall provide meals and snacks that meet the dietary needs of each child as based on the current National Research Council Recommended Daily Allowances (NRC-RDA), according to each child's age, sex, and maturation.

(f) The child caring institution shall meet the following food requirements:

(1) Prepare and serve a planned breakfast. A staff person shall be responsible for and assist in breakfast preparation.

(2) Serve meals at times which meet the children's needs and which are spaced so that there are no unduly long periods without food. Additional portions of food shall be available for children and adults.

(3) Serve milk and milk products obtained from sources approved by the SBH. Reconstituted dry milk for drinking or skim milk shall not be served to children.

(4) Serve fruit juices that are one hundred percent (100%) fruit juice. All noncitrus juices served shall be fortified with Vitamin C.

(5) Serve ades and drinks, powders, and bases as supplements and not as substitutes for fruit juice or milk.

(6) Approve in writing by a physician, all special or therapeutic diets.

(7) Serve food in a relaxed atmosphere and in a family style setting whenever possible. Proper table etiquette shall be encouraged.

(g) Table serving, dining room chairs, and tables shall be of age-appropriate size and construction for the children using them.

(h) Direct care workers shall eat with the children and shall receive the same food as the children except for special dietary needs of the workers or the children.

(i) The kitchen shall meet state and local codes for one (1) family residence and shall be approved by the SBH.

(j) The kitchen shall be equipped with the following:

(1) A stove.

(2) A refrigerator.

(3) Closed cabinets for food and utensil storage.

(4) A two (2) compartment sink and automatic dishwasher or a three (3) compartment sink.

(5) Light and ventilation.

(6) Walls and ceilings that are smooth and easily washed.

(7) Counter surfaces that are smooth and free of cracks and seams.

(k) Refrigerators shall be maintained at a temperature of forty-five degrees Fahrenheit (45°F) or below.

(l) Freezers shall be maintained at temperature of zero degrees Fahrenheit (0°F) or below.

(m) Each compartment of the refrigerator and freezer shall be provided with an accurate thermometer located in a position for daily monitoring. *(Division of Family and Children; 470 IAC 3-14-75; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2041; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-76 Building, grounds, and equipment

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 76. (a) The building of the child caring institution shall conform to the requirements in this section and have the approval of the SBH.

(b) The building of the child caring institution shall not be located where any conditions exist that would be hazardous to the physical or moral welfare of the children.

(c) The child caring institution shall be equipped with a proper heating plant and capacity sufficient to maintain all housing units at a temperature of not less than sixty-eight degrees Fahrenheit (68°F) under severest weather conditions. Thermostatic control shall be maintained where feasible.

(d) A child caring institution shall provide safe and protected outdoor playground space.

(e) The child caring institution shall provide indoor and outdoor play equipment. The equipment shall be safe, repaired as needed, and shall be sufficiently varied to meet the needs of the children according to age, size, and social development. *(Division of Family and Children; 470 IAC 3-14-76; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2042; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-77 Space requirements; furnishings

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 77. (a) The child caring institution shall provide the following:
(1) Indoor living space sufficient to permit the separation of children engaged in quiet activities and in active play.
(2) Indoor play space for younger children separate and apart from that provided for older children.
(3) Space for children to study and read.
(b) The child caring institution shall provide the following:
(1) Separate sleeping quarters for male and female children.
(2) At least fifty (50) square feet of floor space or five hundred (500) cubic feet of air space for each child in sleeping rooms.
(3) At least three (3) feet of space between sides and ends of each single bed.
(4) At least five (5) feet of space between sides and ends of bunk beds. There shall be sufficient space to allow each occupant of the bunk to sit up in bed.
(c) The child caring institution shall provide an individual bed and mattress for each child. The bed shall be of age-appropriate construction, sufficient size for the child using it, and shall be up off the floor.
(d) The child caring institution shall provide bedding as follows:
(1) Mattress protection pad.
(2) Two (2) sheets, a pillow, pillow case, and bed covering sufficient for the comfort of the child.
(3) Clean sheets and pillow cases as often as required for cleanliness and sanitation, and at least once a week.
(4) Water-resistant bed pads for enuretic children and they shall have their linens changed as often as they are wet.
(e) The child caring institution shall provide a private bedroom, separate and apart from the children, for each resident staff member, except that one (1) bedroom for a resident married couple shall meet this requirement.
(f) The child caring institution shall provide the following for the care of a sick child:
(1) Adequate space to permit the isolation of a child who has a communicable disease or other illness requiring separation. While being used for illness, a room used for isolation shall not be used for any other purpose and shall be closed off from other rooms.
(2) A room which is well ventilated and heated.
(3) Sanitation of all furnishings after each use for isolation for a communicable disease.
(g) The child caring institution shall provide furnishings which are as follows:
(1) Safe and room appropriate for use.
(2) Maintained and repaired as needed.
(3) Sufficiently varied to meet the needs of the children according to their age, size, and social development.
(h) The child caring institution shall provide a study area which includes the following:
(1) Tables or desks.
(2) Chairs.
(3) Appropriate lighting for reading.
(Division of Family and Children; 470 IAC 3-14-77; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2042; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-14-78 Maintenance and safety

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 78. (a) The buildings and premises of each child caring institution shall at all times be maintained in a clean, safe, and

sanitary condition and in a good state of repair.

(b) The child caring institution shall maintain the following safety precautions:

(1) Keep poisons and harmful chemicals under lock.

(2) Store other hazardous materials and equipment including cleaning supplies, polishes, bleaches, detergents, matches, and tools in a place locked to children.

(3) Prohibit the storage and use of firearms on the property.

(4) Provide adult supervision whenever power equipment is being used by children.

(5) Maintain or repair outdoor play space and grounds of the child caring institution and keep free from observable hazards.

(c) A person holding at least a Red Cross advanced life saving certificate, or YMCA equivalent, shall be on duty at all times when a swimming pool or other swimming area is in use. A minimum of two (2) flotation lifesaving devices shall be provided for each pool or swimming area. *(Division of Family and Children; 470 IAC 3-14-78; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2042; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-79 SBH requirements; water supply and water treatment

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 79. (a) An adequate water supply of a safe, sanitary quality shall be obtained from a water source or system approved by the SBH.

(b) Connection to a public water supply is required when available within a reasonable distance, not to exceed three hundred (300) feet.

(c) If a private well is used, water shall be potable and of adequate quantity. The well shall meet the construction standards under 410 IAC 6-10 and shall be approved by the SBH.

(d) The construction of a new water well or major alterations to an existing well shall be approved by the SBH.

(e) Drinking water shall be available to the children at all times.

(f) If drinking fountains are provided, they shall be of the sanitary type with guarded angular stream drinking fountain heads and shall be so constructed and located as to be accessible for use by the children at all times but shall not be located in a bathroom.

(g) If drinking fountains are not provided, individual single service cups shall be provided in a sanitary dispenser and used only once.

(h) All plumbing fixtures shall discharge into a public sanitary sewer whenever available within a reasonable distance, not to exceed three hundred (300) feet, or whenever soil conditions prohibit the construction of an adequate on-site system.

(i) Where a municipal sewage treatment system is not available and a private system is used, the sewage treatment system shall meet the requirements of 410 IAC 6-8.1 and shall be approved by the SBH.

(j) New plumbing equipment shall meet the requirements of the SBH and shall be approved by that agency. *(Division of Family and Children; 470 IAC 3-14-79; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2043; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-80 Bath, toilet facilities, and ventilation

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 80. (a) All bathing and handwashing facilities for children shall be provided with hot and cold running water. The child caring institution shall use automatic hot water control valves that maintain the hot water temperature at the point of use between one hundred degrees Fahrenheit (100°F) and one hundred twenty degrees Fahrenheit (120°F).

(b) The group home shall have at least two (2) bathrooms furnished with a sink, toilet, and a shower or tub.

(c) The group home shall provide separate bathrooms for boys and girls.

(d) If fewer than seven (7) children of the same gender and nonresident awake night staff are present, the group home may have a minimum of one (1) fully equipped bathroom for children and one (1) half-bathroom for staff use.

(e) All group homes shall provide resident staff with bath and toilet facilities separate from those of the children.

(f) Each toilet shall be provided with toilet tissue which is dispensed in a sanitary manner.

(g) All windows which open, doors not equipped with panic hardware or equivalent, ventilators, and other outside openings shall be protected against insects by at least sixteen (16) mesh screening which is securely fastened as the season requires. *(Division of Family and Children; 470 IAC 3-14-80; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2043; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-81 Swimming pools
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 81. (a) Swimming pools shall be constructed in accordance with 675 IAC 20, maintained and operated in accordance with 410 IAC 6-2.

(b) Outdoor swimming pools shall be fenced. The gate shall be locked when the pool is not in use.

(c) Indoor pools shall be secured to prevent accidental entry or unauthorized use. *(Division of Family and Children; 470 IAC 3-14-81; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2044; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-82 Pets
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 82. Pets which are a potential source of rabies shall be immunized as needed against rabies. *(Division of Family and Children; 470 IAC 3-14-82; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2044; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-83 Building, plans and construction
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 83. (a) Prior to construction of any new building, conversion of an existing building, or major alteration to an existing building, or addition to an existing building, a set of complete plans and specification shall be submitted to the SBH plan review section. The group home is exempted from submitting plans to the state building commissioner.

(b) The group home shall meet requirements of 675 IAC 14. A newly constructed group home shall submit to the SDPW certification by the architect or contractor of compliance with 675 IAC 14.

(c) A child caring institution licensed as a group home under previous rule 470 IAC 3-6 *[470 IAC 3-6 was repealed filed Jun 27, 1991, 12:00 p.m.: 14 IR 2045.]* that is licensed and in existence on the effective date of this rule and continues to operate at the same location shall have the option to continue to be licensed as a group home.

(d) The maximum height of a building used for bedrooms in a group home shall be limited to two (2) stories excluding the basement.

(e) Every sleeping room shall have at least one (1) operable exterior window or exterior door for emergency exit or rescue in conformance to 675 IAC 14. The means of exit shall be operable from the inside to provide full, clear opening without the use of tools.

(f) Where windows are provided as a means of exit or rescue, they shall have a sill height of not more than forty-four (44) inches above the finished floor and a minimum net clear opening of four and three-fourths (4.75) square feet. The minimum net clear opening shall be twenty-four (24) inches high and eighteen (18) inches wide.

(g) Prior to initial licensure, the group home shall submit a statement signed by an electrician certifying that the electrical service and system are sufficient to service the intended use in a safe manner. *(Division of Family and Children; 470 IAC 3-14-83; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2044; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-84 Smoke detection system
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 84. The group home shall be equipped with smoke detectors as required under 675 IAC 14. *(Division of Family and Children; 470 IAC 3-14-84; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2044; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-14-85 Safety requirements; exits; fireplaces; extinguishers; heaters; combustibles

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 85. (a) Every closet door latch shall be such that it can be opened from the inside in case of emergency.

(b) Every bathroom door shall be designed to permit the opening of the locked door from the outside in an emergency.

(c) No door in any means of egress shall be locked against egress when the building is occupied.

(d) The administration of the facility shall have a written posted plan for evacuation in case of fire and other emergencies. The administration shall teach the procedures to all staff as a part of their orientation.

(e) Fire exit drills shall be conducted monthly. The shift conducting the drill shall be alternated to include each shift once a quarter. At least two (2) drills shall be conducted during sleeping hours annually.

(f) Where smoking is permitted, noncombustible safety-type ash trays or receptacles, for example, glass, ceramic, or metal, shall be provided.

(g) Fireplace safety requirements shall be as follows:

(1) If the fireplace is used, the chimney flue shall be cleaned annually and a written record of the cleaning retained.

(2) Glass doors, a noncombustible hearth, and grates shall be provided for each fireplace in use.

(3) Ashes from the fireplace shall be disposed of in a noncombustible covered receptacle. The receptacle shall then be placed on the ground and away from any building or combustibles.

(4) Proper fireplace tools shall be provided for each fireplace in use.

(h) A ten (10) pound ABC multipurpose type extinguisher, or the equivalent, shall be located on each floor of the facility, including one (1) located in the kitchen.

(i) All sprinkler systems, fire hydrants, standpipe systems, fire alarm systems, portable fire extinguishers, smoke and heat detectors, and other fire protective or extinguishing systems or appliances shall be maintained in an operative condition at all times and shall be replaced or repaired where defective.

(j) All required fire resistive construction shall be properly repaired, restored, or replaced when damaged, altered, breached, penetrated, removed, or improperly installed.

(k) The facility shall be free from fire hazards. All combustible rubbish, oily rags, or waste material, when kept within a building or adjacent to a building, shall be securely stored in metal or metal-lined receptacles equipped with tight fitting covers or in rooms or vaults constructed of noncombustible materials. Dust and grease shall be removed from hoods above stoves and other equipment.

(l) No combustibles shall be stored within three (3) feet of furnaces and water heaters.

(m) No heating appliance shall be located as to block escape in case of fire arising from malfunctioning of the appliance.

(n) The facility shall not use an unvented heater of any type.

(o) The facility shall not use any type of solid fuel-burning appliance, except fireplaces, which do not serve as the primary source of heat.

(p) The facility shall maintain all fuel-burning appliances in a safe operating condition. There shall be an annual inspection by a qualified inspector of all fuel-burning appliances.

(q) The gas and electric shutoffs shall be labeled and easily accessed in case of emergency.

(r) All Class I, II, III-A flammable liquids shall be stored in a container listed by an independent laboratory with the maximum quantity not to exceed five (5) gallons. *(Division of Family and Children; 470 IAC 3-14-85; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2044; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

Rule 15. Children's Homes and Child Caring Institutions Defined as Emergency Shelter Care Group Homes

470 IAC 3-15-1 Applicability

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 1. (a) This rule applies to all child caring institutions which are licensed by the SDPW as group homes caring for ten (10) or less children.

(b) A licensee caring for ten (10) or less children may be issued and hold one (1) of the following combinations of licenses concurrently within a single facility:

(1) A license to operate a group home under 470 IAC 3-14.

(2) A license to operate an emergency shelter under this rule.

(3) A license to operate a group home under 470 IAC 3-14 and a license to operate an emergency shelter under this rule.

(c) The group home shall be a one (1) or two (2) family dwelling and shall be one (1) of the following:

(1) A single facility without affiliation with an institution.

(2) A facility affiliated with an institution and located apart from the institution.

(Division of Family and Children; 470 IAC 3-15-1; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2045; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-15-2 "Administrator" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 2. As used in this rule, "administrator" means the person designated by the governing body and responsible for the general management and administration of the child caring institution. *(Division of Family and Children; 470 IAC 3-15-2; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2046; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-3 "Admission" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 3. As used in this rule, "admission" means the process of entering a child in a child caring institution. *(Division of Family and Children; 470 IAC 3-15-3; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2046; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-4 "Application" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 4. As used in this rule, "application" means the forms and methods by the SDPW to gather information about and document the intent to operate a child caring institution. The application includes the completion of the appropriate SDPW form, a signed, notarized criminal history affidavit, a financial statement, and any requests for waivers or variances from the agency. *(Division of Family and Children; 470 IAC 3-15-4; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2046; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-5 "Children's home" or "child caring institution" defined

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 5. As used in this rule, "children's home" or "child caring institution" means a children's home, an orphanage, an institution, a shelter care facility, a private secure facility, or other place maintained or conducted by any group of individuals or political subdivision engaged in:

(1) receiving and caring for dependent children, children in need of services, or delinquent children; or

(2) operating for gain a private business of boarding children who are unattended by a parent, guardian, or custodian.

(Division of Family and Children; 470 IAC 3-15-5; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2046; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-15-6 "Communicable disease" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 6. As used in this rule, "communicable disease" means an illness due to an infectious agent or its toxic products which is transmitted directly or indirectly to a well person from an infected person, animal, or arthropod, or through the agency of an intermediate host, vector, or the inanimate environment. *(Division of Family and Children; 470 IAC 3-15-6; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2046; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-7 "Confinement room" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 7. As used in this rule, "confinement room" means a locked room which is used for the exclusive purpose of isolating a child in order to help the child control his or her behavior. *(Division of Family and Children; 470 IAC 3-15-7; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2046; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-8 "Corporal punishment" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 8. As used in this rule, "corporal punishment" means any kind of punishment inflicted upon the body. Corporal punishment includes, but is not limited to, slapping, hitting, spanking, pinching, and pushing. *(Division of Family and Children; 470 IAC 3-15-8; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2046; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-9 "Emergency shelter" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 9. As used in this rule, "emergency shelter" means a short term place of residence, other than a secure facility, that:
(1) is not locked to prevent a child's departure unless the administrator determines that locking is necessary to protect the child's health; and
(2) provides twenty-four (24) hours a day temporary care for not more than sixty (60) consecutive days to an individual child six (6) years of age or older admitted on an emergency basis.
(Division of Family and Children; 470 IAC 3-15-9; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2046; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-15-10 "Food service" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 10. As used in this rule, "food service" means the preparation and serving of meals and snacks. *(Division of Family and Children; 470 IAC 3-15-10; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2047; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-11 "FPBSC" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 11. As used in this rule, "FPBSC" means the fire prevention and building safety commission. *(Division of Family and Children; 470 IAC 3-15-11; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2047; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-12 "Governing body" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 12. As used in this rule, "governing body" means the person, or group of persons, which has the ultimate administrative, fiscal, and managerial control of a child caring institution. *(Division of Family and Children; 470 IAC 3-15-12; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2047; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-13 "Group home" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 13. As used in this rule, "group home" means a type of child caring institution licensed for ten (10) or fewer children, six (6) years of age or older, who are apart from their parents or guardian on a twenty-four (24) hour a day basis and who have demonstrated the ability to follow direction and take appropriate action for self-preservation. *(Division of Family and Children; 470 IAC 3-15-13; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2047; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-14 "Institution" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 14. As used in this rule, "institution" means a type of child caring institution licensed for more than ten (10) children. Nothing in 470 IAC 3-11 or 470 IAC 3-12 shall preclude an institution caring for ten (10) or less children from being licensed under 470 IAC 3-11 or 470 IAC 3-12. *(Division of Family and Children; 470 IAC 3-15-14; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2047; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-15 "License" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 15. As used in this rule, "license" means a document authorizing the operation of a child caring institution at a specific address, the number of children which may be cared for, the age range and gender of the children, and the expiration date of the authorization. *(Division of Family and Children; 470 IAC 3-15-15; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2047; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-16 "Living unit" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 16. As used in this rule, "living unit" means the building or part of a building which contains separate living, sleeping, and sanitation facilities for a group of children who eat, sleep, and have some of their daily activities apart from other groups of children. *(Division of Family and Children; 470 IAC 3-15-16; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2047; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-17 "Mechanical restraints" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 17. As used in this rule, "mechanical restraints" means any objects that restrict a child's mobility or ability to use his/her hands, arms, or legs. Medical and therapeutic equipment for the prevention and treatment of physical injury that are used and applied

by order of a licensed physician are not mechanical restraints. *(Division of Family and Children; 470 IAC 3-15-17; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2047; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-18 "Needs assessment" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 18. As used in this rule, "needs assessment" means a written study which documents that the specific services offered by a child caring institution will be used by referral sources within the geographic area to be served. *(Division of Family and Children; 470 IAC 3-15-18; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2047; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-19 "Parent agency" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 19. As used in this rule, "parent agency" means the agency or governmental unit which has the administrative, supervisory, and service responsibility for the child caring institution. *(Division of Family and Children; 470 IAC 3-15-19; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2047; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-20 "Placing agency" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 20. As used in this rule, "placing agency" means a county department of public welfare, a juvenile probation department, or a child placing agency, as defined in IC 12-3-2-5 *[IC 12-3 was repealed by P.L.2-1992, SECTION 897, effective February 14, 1992.]*, who places a child into a child caring institution. *(Division of Family and Children; 470 IAC 3-15-20; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2048; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-21 "Placing parent or guardian" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 21. As used in this rule, "placing parent or guardian" means a person who places his or her child into a child caring institution when the child is not a ward of the county or court. *(Division of Family and Children; 470 IAC 3-15-21; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2048; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-22 "Private secure facility" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 22. (a) As used in this rule, "private secure facility" means a locked living unit of an institution for gravely disabled children with chronic behavior that harms themselves or others.

(b) Locked detention or locked isolation rooms do not constitute a private secure facility. *(Division of Family and Children; 470 IAC 3-15-22; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2048; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-23 "Program director" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 23. As used in this rule, "program director" means the staff person responsible for the development, implementation, and

supervision of the treatment programs. *(Division of Family and Children; 470 IAC 3-15-23; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2048; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-24 "Provisional license" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 24. As used in this rule, "provisional license" means a license issued to a child caring institution which is temporarily unable to conform to all rules of the SDPW. *(Division of Family and Children; 470 IAC 3-15-24; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2048; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-25 "Psychotropic medication" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 25. As used in this rule, "psychotropic medication" means a drug or substance which exerts an effect upon the mind and is capable of modifying mental activity. *(Division of Family and Children; 470 IAC 3-15-25; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2048; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-26 "SBH" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 26. As used in this rule, "SBH" means the Indiana state board of health. *(Division of Family and Children; 470 IAC 3-15-26; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2048; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-27 "SDPW" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 27. As used in this rule, "SDPW" means the state department of public welfare. *(Division of Family and Children; 470 IAC 3-15-27; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2048; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-28 "SFM" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 28. As used in this rule, "SFM" means the office of the state fire marshal. *(Division of Family and Children; 470 IAC 3-15-28; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2048; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-29 "Staff development" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 29. As used in this rule, "staff development" means an ongoing educational process to enhance skills which relate to current employment. It may include, but is not limited to, workshops, reading, formal training, films, training by supervisors or consultants, and may be in subject areas such as child care, child development, emergency and first aid procedures, and behavior management. *(Division of Family and Children; 470 IAC 3-15-29; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2048; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-30 "Treatment plan" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 30. As used in this rule, "treatment plan" means a goal-oriented, time-limited, individualized program of action for a child and his or her family, developed by the child caring institution in cooperation with the placing agency and the family. *(Division of Family and Children; 470 IAC 3-15-30; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2048; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-31 "Variance" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 31. As used in this rule, "variance" means official permission granted by the SDPW to meet the intent of a specific rule in a way other than specified by the rule. *(Division of Family and Children; 470 IAC 3-15-31; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2049; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-32 "Waiver" defined
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 32. As used in this rule, "waiver" means official permission granted by the SDPW not to meet a specific regulation. *(Division of Family and Children; 470 IAC 3-15-32; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2049; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-33 Licensing procedures
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 33. (a) An application for a license to operate a child caring institution shall be submitted to the SDPW by the administrator or other person designated by the governing body on forms provided for that purpose by the SDPW.

(b) An application for renewal of licensure shall be submitted annually to the SDPW by a child caring institution which wishes to have its license renewed.

(c) A new child caring institution shall receive a six (6) month provisional license for its initial licensure to permit evaluation of the program by the SDPW.

(d) A child caring institution shall not care for children under the age of six (6) years.

(e) The license shall be posted in a conspicuous place in the child caring institution. *(Division of Family and Children; 470 IAC 3-15-33; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2049; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-34 Termination of license
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 34. (a) A license shall be terminated and a new application required whenever:

(1) the name of the licensee changes;

(2) the type of child caring institution changes;

(3) the address of the child caring institution changes; or

(4) the capacity, age range, or gender of children served changes.

(b) A license shall be terminated whenever the child caring institution closes. *(Division of Family and Children; 470 IAC 3-15-34; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2049; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-35 Waivers and variances

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 35. (a) The child caring institution shall submit a written request to SDPW for a waiver or variance as follows:
(1) For a waiver, a written request showing documentation that compliance will create an undue hardship on the applicant.
(2) For a variance, a written request showing documentation of the need and the alternate method of compliance.
(b) The SDPW shall review the written request based on but not limited to the following:
(1) On-site review, if applicable.
(2) Written documentation.
(3) Review of the requests by SDPW field consultants and administration.
(4) If applicable, SBH review and FPBSC approval as required under 675 IAC 12.
(c) The SDPW shall provide within ninety (90) days of the receipt of the written request, a written response of denial or approval.
(d) All decisions will be based on the best interests of the children in care and will not be adverse to their health, safety, or welfare. *(Division of Family and Children; 470 IAC 3-15-35; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2049; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-36 Reporting requirements

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 36. (a) The child caring institution shall report the following changes or events to the SDPW prior to occurrence:
(1) Change in licensed capacity.
(2) Major alterations or changes in buildings or in use of rooms.
(3) Addition or termination of program services offered.
(4) Changes in administrative personnel.
(5) Termination of services.
(6) Changes in discipline policies.
(7) Changes in confinement room policies, if applicable.
(b) The child caring institution shall report the following changes or events immediately upon occurrence:
(1) A fire on the premises of the child caring institution.
(2) A death or serious injury requiring treatment of a child in a hospital or emergency care facility.
(3) Any communicable disease requiring hospitalization of a child.
(4) Any suspected or known incidents or evidence of child abuse or neglect. Such a report does not replace any other duty as required under IC 31-6-11 *[IC 31-6 was repealed by P.L.1-1997, SECTION 157, effective July 1, 1997.]*.
(5) A court ordered placement that results in an excess in the number of children authorized by the license.
(Division of Family and Children; 470 IAC 3-15-36; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2049; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-15-37 Plan of operation

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 37. (a) Prior to initial licensure, the child caring institution shall submit to the SDPW the following documentation:
(1) Needs assessment.
(2) Purpose of child caring institution.
(3) Ages, gender, and type of children to be served.
(4) Location of child caring institution and geographic area from which children will be received.
(5) Type of buildings.

(6) Financial information regarding the following:
(A) New construction and maintenance of building.
(B) Operation of the child caring institution and child care program.
(C) Sources of income and fund raising methods.
(7) Program design for the children as follows:
(A) Emotional and social development.
(B) Education.
(C) Work program.
(D) Recreation.
(E) Nutrition.
(F) Medical and dental care.
(G) Clothing.
(H) Family involvement.
(I) Discipline.
(8) Administration is to include the following:
(A) The identification of the governing body or members of the board of directors including full name, address, and occupation of each.
(B) A plan for staffing including number and types of positions anticipated, job descriptions, and qualifications.
(b) The child caring institution shall operate in accordance with the written plan of operation. *(Division of Family and Children; 470 IAC 3-15-37; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2050; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-38 Governing body
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 38. (a) The child caring institution shall have a governing body which exercises authority over, and has responsibility for, the operation, policy, and practices of the facility.
(b) Employees, including the administrator, shall not constitute a majority membership in the governing body. *(Division of Family and Children; 470 IAC 3-15-38; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2050; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-39 Financial resources; accounting; insurance
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 39. (a) The child caring institution shall maintain financial resources to meet the rules established by the SDPW. The child caring institution shall document these resources and make such documentation available to the SDPW upon request.
(b) A new child caring institution shall certify that funds are available for the first three (3) months of operation.
(c) The child caring institution shall prepare an annual budget showing income according to sources and estimated expenditures classified according to the following:
(1) Salaries.
(2) Food.
(3) Clothing.
(4) Child development and child care program.
(5) Fixed expenses.
(6) Maintenance, repair, and replacement of furnishings and equipment.
(d) The child caring institution shall have an annual audit or financial review of all accounts by a certified public accountant appointed by the governing body. This accountant may not be a member of the governing body nor be an employee of a member of the governing body.
(e) Governmentally operated child caring institutions shall comply with any auditing requirements of the state of Indiana.

(f) The treasurer, administrator, and any other persons handling funds shall be bonded.

(g) Any child caring institution, which is not governmentally operated, shall carry insurance which includes the following:

(1) Public liability.

(2) Worker's compensation.

(3) Fire and disaster insurance on the property.

(h) The child caring institution shall carry or require staff to carry automobile liability and property damage insurance if the child caring institution uses an automobile, whether it is owned by the child caring institution, an employee, or volunteer. *(Division of Family and Children; 470 IAC 3-15-39; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2050; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-40 Admission

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 40. (a) Admission policies shall be clearly defined and stated in writing. These policies shall clearly define categories of children which will not be accepted into care.

(b) The child caring institution shall have and make written notation of the following information at the time of admission:

(1) The information required by section 46(a)(1) through 46(a)(10) of this rule.

(2) The name and twenty-four (24) hour contact telephone number of the placing agency worker or parent or guardian.

(3) Indication of whether the parent or guardian has been notified.

(4) Identification of the family or other persons who may have contact with the child, the permitted means of contact, and any restrictions upon contacts.

(5) Any known medical problem including allergies, special dietary needs, or medication the child is taking.

(6) Release for emergency treatment signed by the placing agency, parent, guardian, or custodian.

(c) Within seventy-two (72) hours or on the next working day of admission, the child caring institution shall have the following information:

(1) Any available health records including immunization history.

(2) Release of information form signed by the placing agency, the parent, or guardian for release of school records and any existing psychological or psychiatric evaluations.

(d) When a child is unaccompanied by a placing agency or parent at the time of admission, the child caring institution shall attempt to get the information required in subsection (b) but shall not deny admission to a child solely on the inability to document this information.

(e) The child caring institution shall document efforts to notify the parent, guardian, or placing agency as applicable of the admission of the child within twenty-four (24) hours of the child's admission, if possible. If the parent cannot be located, the shelter shall notify the local child protection service within twenty-four (24) hours. *(Division of Family and Children; 470 IAC 3-15-40; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2051; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-41 Placement agreement

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 41. The child caring institution shall have a written placement agreement with the placing agency or placing parent or guardian which includes at least the following:

(1) Authorization to care for the child.

(2) Provision for treatment plan reviews, if applicable.

(3) Financial plan for payment of care and services covered.

(4) Permission for the child caring institution to seek routine and emergency medical, surgical, and hospital care.

(Division of Family and Children; 470 IAC 3-15-41; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2051; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-15-42 Personnel policies
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 42. (a) The child caring institution shall establish and follow written policies regarding employment, compensation, and terms and conditions of work. The written personnel policies shall be made available and known to each employee at the time of employment.

(b) The qualifications, duties, responsibilities, and authority of each person shall be defined and stated in writing.

(c) The child caring institution shall maintain an organizational chart.

(d) The child caring institution shall inform staff of the rules for child caring institutions and written operating policies, and shall make these documents available to staff for review.

(e) Each employee, including the administrator, shall receive a written evaluation of individual performance at least annually. *(Division of Family and Children; 470 IAC 3-15-42; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2051; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-43 Record keeping; general
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 43. (a) The child caring institution shall make all records pertaining to personnel and children in care available for SDPW, SBH, and SFM review.

(b) The child caring institution shall make medical records of children and staff available for SDPW and SBH review.

(c) Children's records shall be available only to the child, the placing agency, parent, guardian, or any of their written designees in addition to SDPW, SBH, and SFM. The local school corporation shall have access to children's records to the extent necessary to provide educational services and only in compliance with statutory requirements regarding confidentiality and access. *(Division of Family and Children; 470 IAC 3-15-43; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2052; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-44 Personnel records
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 44. (a) The child caring institution shall establish and maintain an individual record for each staff member.

(b) The record shall include the following information prior to employment:

(1) Application.
(2) Name, address, and telephone number.
(3) Name, address, and telephone number of the person to be notified in the event of an emergency.
(4) Documentation of training, education, experience, and any other required qualifications.
(5) Reference notes or reports, with evaluations of ability, character, and suitability for working with children.
(6) Signed, notarized criminal history affidavit.

(c) The record shall include the following information after employment:

(1) Documentation of initial physical examination and results of Mantoux tuberculin testing.
(2) Annual report of Mantoux tuberculin test results.
(3) Annual evaluation of employee's performance.
(4) Documentation of workshops or training sessions attended and of courses of study successfully completed.
(5) Dates of employment and termination with any reason for termination.
(6) Copies of any incident report involving the staff member.

(d) If the personnel records are maintained at an office located apart from the group home residence, a copy of the health record of the direct care worker and the name, address, and telephone numbers of the person to be notified in the event of an emergency shall be kept on the premises of the group home. *(Division of Family and Children; 470 IAC 3-15-44; filed Jun 27, 1991,*

12:00 p.m.: 14 IR 2052; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-15-45 Volunteer records

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 45. The child caring institution shall maintain a record of the following information for each volunteer:
(1) Name, address, and telephone number.
(2) Name, address, and telephone number of the person to be notified in the event of an emergency.
(3) Documentation of reference with an evaluation of the following:
(A) Ability, character, and suitability for working with children.
(B) Orientation and training, as required under section 54 of this rule.
(4) Documentation of initial physical examination and annual Mantoux tuberculin testing, if working in food service, or if having direct contact with children.
(Division of Family and Children; 470 IAC 3-15-45; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2052; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-15-46 Child's records

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 46. (a) The child caring institution shall maintain a record of the following information for each child admitted:
(1) Name.
(2) Sex.
(3) Date of birth.
(4) Name, address, and marital status of both parents.
(5) Name, age, and address of child's brothers and sisters, step or half-brothers and sisters, and near relatives.
(6) Religious information necessary to provide appropriate services.
(7) Information upon which the admission decision was based.
(8) Name of agencies which have had contact with the child and the family and dates of contacts.
(9) Name and address of person or placing agency requesting admission.
(10) Date of admission.
(11) Written agreement with the placing agency or person.
(12) A copy of the court order or other document authorizing placement of the child in the child caring institution.
(13) SDPW case plan, if applicable.
(14) Documentation of any discipline of a child which results in an injury.
(15) School report, including teachers' evaluation of child's progress.
(16) Report by any specialist, such as psychiatrist or psychologist, if applicable.
(17) Discharge information required under section 65 of this rule.
(b) The child caring institution shall keep case records confidential and shall safeguard against the possibility of loss by fire, theft, or destruction.
(c) Staff entries in case records shall be dated and signed.
(d) The child caring institution shall keep each child's case record for at least five (5) years after the child is discharged. For records older than five (5) years, the child caring institution shall retain at least that information required in subsection (a)(1) through (a)(5), (a)(10), (a)(12), and (a)(17).
(e) If the children's records are maintained at an office located apart from the group home residence, a copy of the care plan and subsequent revisions and all health records shall be kept on the premises of the group home. *(Division of Family and Children; 470 IAC 3-15-46; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2052; errata filed Sep 9, 1991, 10:45 a.m.: 15 IR 10; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-47 Employee qualifications; generally
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 47. The child caring institution shall employ staff who are qualified by education, training, and experience for their assigned responsibility. An employee who is in a position on the effective date of this rule and who was qualified for that position under the previous rule 470 IAC 3-6 *[470 IAC 3-6 was repealed filed Jun 27, 1991, 12:00 p.m.: 14 IR 2045.]*, is exempted from this rule. *(Division of Family and Children; 470 IAC 3-15-47; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2053; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-48 Administrative personnel
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 48. (a) The child caring institution shall employ staff to perform administrative, supervisory, service, and direct care functions.

(b) Functions may be combined only upon the approval of the SDPW.

(c) When nondirect care functions have been approved by SDPW and are combined, the staff member shall meet the requirements for each function.

(d) The administrator shall be at least twenty-five (25) years of age.

(e) The staff member responsible for the general management and administration of the group home shall have one (1) of the following:

(1) A master's degree in social work or a master's degree in a human service area of study from an accredited school and one (1) year of experience in child care services.

(2) A bachelor's degree in social work or a bachelor's degree in a human service area of study from an accredited school and two (2) years of experience in child care services, including at least one (1) year of experience in a supervisory capacity.

(f) If the group home is owned and administered by a parent agency and the parent agency employs an administrator who meets the qualifications of this section, the group home need not employ a separate administrator; however, the parent agency shall provide supervision of the group home by a person meeting at least the qualifications of a caseworker as defined in section 49 of this rule.

(g) The position of administrator shall be a full-time position if the administrator is responsible for the administrative, service, and supervisory functions required under this section.

(h) When the position of administrator is vacated, the governing body shall designate a qualified person to act as administrator. *(Division of Family and Children; 470 IAC 3-15-48; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2053; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-49 Professional personnel
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 49. (a) The staff, hereafter referred to as caseworker, who perform casework or group work tasks, counseling with children and their families, or planning of services for children and their families, shall have a master's degree in social work, psychology, or counseling from an accredited school. The caseworker may have a bachelor's degree in social work, psychology, counseling, or a related area of study from an accredited school if under the supervision of a person holding a master's degree in social work, psychology, or counseling.

(b) Professional staff which are full-time, part-time, or consulting, including psychologists, psychiatrists, physicians, dentists, teachers, and nurses, shall meet the respective licensing or certification requirements of their profession in the state of Indiana.

(c) Professional services required for residents of group homes may be provided by one (1) of the following:

(1) Direct employment of qualified staff.

(2) Contract with qualified staff.

(3) Qualified staff from the parent agency.
(4) A community mental health clinic.
(5) The child placing agency.
(6) The administrator.
(Division of Family and Children; 470 IAC 3-15-49; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2053; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-15-50 Direct care personnel; child-staff ratios
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 50. (a) The staff members responsible for the daily direct care and supervision of the children shall be at least twenty-one (21) years of age and shall have at least a high school or equivalency diploma.

(b) The group home shall count all children who live with their parents at the group home in determining the child-staff ratio and in the licensed capacity of the group home. A house-parent who serves in that capacity on the effective date of this rule and who was qualified for that position under the previous rule 470 IAC 3-6 *[470 IAC 3-6 was repealed filed Jun 27, 1991, 12:00 p.m.: 14 IR 2045.]*, is exempted from the specific requirements for these child-staff ratios.

(c) At least one (1) direct care worker shall be on duty in the group home at all times when children are present.

(d) When the total number of children in residence includes three (3) or more children under eight (8) years of age, there shall be at least two (2) direct care workers on duty at all times when the children under eight (8) years of age are present whether the children are awake or asleep.

(e) When a group of ten (10) or fewer children is under the care of one (1) employee, the group home shall have a written plan for that employee to summon another adult to assist in case of an emergency without leaving the children unattended.

(f) The same child-staff ratios shall be maintained for group off-campus activities. *(Division of Family and Children; 470 IAC 3-15-50; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2054; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-51 Volunteers
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 51. (a) A child caring institution which utilizes volunteers shall have and follow a written plan. The plan shall include provision for the following:

(1) Reference checks.
(2) Supervision by a paid staff member.
(3) Orientation and training in the philosophy of the child caring institution, the needs of children in care, and the methods of meeting those needs.

(b) If volunteers are in direct contact with the residents, they shall meet the same age and health requirements as paid direct care staff. *(Division of Family and Children; 470 IAC 3-15-51; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2054; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-52 Students
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 52. Graduate or undergraduate students in a field work placement at the child caring institution shall be subject to the general personnel policies of the child caring institution, but shall not be considered or used as substitutes for employed staff. *(Division of Family and Children; 470 IAC 3-15-52; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2054; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-53 Relief staff
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 53. (a) The child caring institution shall employ a sufficient number of qualified persons to provide care and supervision for the children at all times.

(b) The child caring institution shall operate and maintain the program without depending on the work of the children or detracting from the primary work of direct care workers in the care and supervision of children.

(c) The child caring institution shall provide planned relief for direct care staff. The child caring institution shall have qualified relief staff to substitute for direct care staff for sick leave, vacation, relief time, and other absences.

(d) The administrator shall designate in writing a staff member on the premises to be in charge when the administrator is absent. The designated staff member shall have sufficient knowledge of SDPW requirements and emergency procedures to make appropriate decisions. *(Division of Family and Children; 470 IAC 3-15-53; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2054; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-54 Staff development
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 54. (a) The child caring institution shall have a written plan for the orientation, ongoing training, and development of all staff members.

(b) The child caring institution shall provide each new staff member planned job orientation within two (2) weeks of the starting date of employment.

(c) Staff members working directly with children shall receive at least twenty (20) clock hours of training activities during each full year of employment. Part-time staff members shall receive at least ten (10) hours of training activities during each full year of employment. Activities related to supervision of the staff member's routine tasks shall not be considered training activities for the purposes of this subsection.

(d) The child caring institution shall document that each staff member working directly with children receives training in the following areas:

(1) Administrative procedures and overall program goals.
(2) Principles and practices of child care.
(3) Family relationships and the impact of separation.
(4) Behavior management techniques.
(5) Emergency and safety procedures.
(6) Identification and reporting of child abuse and neglect.

(e) Each direct care worker shall be trained in basic first aid techniques. Review courses shall be provided to direct care workers no less than every three (3) years. First aid training and review courses shall be in addition to the minimum training hours and subject areas required under this section.

(f) In addition to the training required under subsections (a) through (e), the child caring institution shall provide all staff having direct contact with the children with training in the following:

(1) An understanding of the nature of a crisis.
(2) Specific techniques for dealing with suicidal children.
(3) Verbal deescalation and therapeutic physical restraint techniques, if they are utilized.

(Division of Family and Children; 470 IAC 3-15-54; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2055; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-15-55 Daily routines
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 55. (a) The child caring institution shall provide the children with a daily routine which is planned to develop healthful habits in eating, sleeping, and exercising.

(b) The child caring institution shall provide each child with training and assistance in maintaining good habits of personal care and hygiene, including bathing, brushing teeth, grooming, and changing soiled or wet clothing as needed.

(c) The daily routine shall provide time for privacy and individual pursuits of each child, including provision for opportunity to be away from the group when it is necessary and safe for the child to be alone. *(Division of Family and Children; 470 IAC 3-15-55; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2055; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-56 Personal items

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 56. (a) The child caring institution shall provide each child with individually selected and fitted clothing, suitable for the child's age, sex, activities, and appropriate for the season and current weather conditions.

(b) The child caring institution shall involve the child in the selection, care, and maintenance of personal clothing as appropriate to the child's age and ability.

(c) The child caring institution shall allow each child to own and acquire clothing, toys, and personal belongings appropriate to age and development.

(d) The child caring institution shall provide storage space within reach of the child for personal possessions, clothing, and supplies.

(e) The child caring institution shall give all personal belongings and clothing to the child when care is terminated. *(Division of Family and Children; 470 IAC 3-15-56; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2055; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-57 Discipline and guidance

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 57. (a) The child caring institution shall have a written discipline policy and shall make the policy available to placement agencies, staff, parents, and children in care.

(b) Discipline and guidance shall be as follows:

(1) Consistent.

(2) Based on an understanding of individual needs and development.

(3) Promote self-discipline and acceptable social behavior.

(c) Children shall be treated kindly and humanely at all times.

(d) The administrator shall not use, or permit any person to use, any of the following:

(1) Cruel, harsh, or unusual punishment.

(2) Treatment which is mentally, physically, or emotionally abusive or neglectful.

(3) Any humiliating or frightening method to control the actions of any child or group of children.

(e) Children shall not be humiliated or subjected to degrading, abusive, or profane language.

(f) The use of a confinement room and the use of mechanical restraints are prohibited in a group home.

(g) The child caring institution shall prohibit, as a method of discipline, the following:

(1) Confinement to a locked or dark room.

(2) Use of mechanical restraints.

(3) Undue confinement to bed.

(4) Deprivation of meals or snacks.

(5) Inappropriate assignment of work.

(6) Group discipline for an offense by an individual child.

(7) Any child or group of children punishing another child.

(8) Deprivation of visits or contact with parents, guardian ad litem, court appointed special advocate, or placing worker.

(Division of Family and Children; 470 IAC 3-15-57; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2056; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-15-58 Education
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 58. (a) Each child shall be given the same opportunity for education as other children in the community.

(b) Children who are wards of the SDPW shall attend only public schools or private schools with appropriately certified teachers by the state department of education for the age group and classes they teach. This requirement shall include any on-grounds schools.

(c) When children in residence attend a school off-grounds and when transportation to and from school is not provided by the school, the child caring institution shall provide suitable transportation for the children.

(d) The child caring institution shall work with the placing agency, parent, or guardian to ensure that the child's education plan is in compliance with the Indiana school attendance laws.

(e) The child caring institution shall have and follow a written plan for meeting the educational needs of children who are unable to attend public school. *(Division of Family and Children; 470 IAC 3-15-58; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2056; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-59 Religion
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 59. (a) The child caring institution shall make available the opportunity to participate in religious activities in accordance with the child's religious faith in so far as is practical.

(b) The child caring institution shall have a written description of any religious orientation and of particular religious practices that are observed and expected of the child. The description shall be distributed to parents and the placing agency. *(Division of Family and Children; 470 IAC 3-15-59; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2056; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-60 Work experience
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 60. (a) The child caring institution may use work experience to provide a learning experience for children. The child caring institution shall not use such work experience as a substitute for staff members.

(b) The child caring institution may provide work experience and training which is appropriate to the age, health, and ability of the children in care. However, the child caring institution shall not require a child to do work which would interfere with time for school, study, and recreation periods, religious participation, normal community contacts, or visits with family. *(Division of Family and Children; 470 IAC 3-15-60; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2056; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-61 Recreation
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 61. (a) The child caring institution shall provide a written plan for indoor and outdoor recreational and social activities for the children. These activities shall be provided in accordance with the ages, abilities, and interest of the children participating.

(b) The child caring institution shall assign the responsibility for planning and maintaining a program of recreational and social activities to a staff member who is given adequate time to carry out the responsibility.

(c) The child caring institution shall provide the facilities needed for recreation and shall use community recreational and social facilities when available and suitable. *(Division of Family and Children; 470 IAC 3-15-61; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2057; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-62 Visiting; correspondence
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 62. (a) The child caring institution shall have written policies and procedures which provide for visits with families, mail, telephone calls, and other forms of children's communication with family, friends, and significant others.

(b) Denial of home visits shall be made only in accordance with the care plan as approved by the placing agency.

(c) The child caring institution shall prohibit overnight visits with staff or persons other than the child's family except as such persons are identified by the care plan for the child and are approved by the placing agency.

(d) The child caring institution shall make writing material available to children in care. Each child shall have privacy in handling his or her correspondence.

(e) The child caring institution may require that a child open his or her mail in the presence of a staff member if there is reasonable fear that the contents other than the letter may harm the child or others. However, staff persons shall not have the right to withhold a child's correspondence without a court order. *(Division of Family and Children; 470 IAC 3-15-62; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2057; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-63 Transportation
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 63. (a) If the child caring institution provides for transportation of children and staff, any vehicle used shall be licensed in accordance with state law and shall be maintained in safe operating condition.

(b) The operator shall have a proper license to drive such vehicle.

(c) Children shall be loaded or unloaded only from the curb side of the vehicle and at the curb.

(d) Seat belts shall be used for each occupant at all times when the vehicle is in motion, unless the vehicle is specifically exempted by state law.

(e) Only that number of children and adults for whom there is comfortable seating space shall be transported in one (1) vehicle. No child shall be permitted to stand in the vehicle when being transported. *(Division of Family and Children; 470 IAC 3-15-63; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2057; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-64 Care plan; program; medical services
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 64. (a) A child caring institution which is licensed as a group home may provide shelter care services and a long term treatment program in the same facility if the group home complies with 470 IAC 3-14 and this rule for each child admitted.

(b) The child caring institution shall not maintain any child in shelter care service for longer than sixty (60) days.

(c) After sixty (60) days, a child shall be transferred to the child caring institution's long term program or be removed from the shelter care service if the child caring institution does not provide a long term program.

(d) The child caring institution shall assess each child's situation within twenty-four (24) hours or on the next working day of admission and shall develop a written care plan. The plan shall be developed in conjunction with the placing agency or with the parents or guardian.

(e) The written care plan shall include the following:

(1) An assessment of the immediate needs of the child and family and the plan for meeting those needs.

(2) A written plan which states how the children will be supervised during the children's sleeping hours.

(3) The plan for visitation and telephone contact with family or significant others.

(4) The plan for education as defined in section 58 of this rule.
(5) The anticipated length of stay.
(6) Any known court dates.
(7) Any changes in the care plan and recorded observations made by direct care workers.
(f) Medical services shall be provided as follows:
(1) At the time of admission, a health evaluation checklist furnished by the SBH shall be utilized by the child caring institution to determine obvious health problems of the child.
(2) Any child suspected of being physically or sexually abused and who has not received medical attention shall receive a physical examination and communicable disease determination by a licensed physician immediately.
(3) Any child suspected of having a communicable disease or chronic disease that needs constant therapy shall receive a physical examination by a licensed physician within forty-eight (48) hours of admission to the child caring institution.
(4) All other children shall have a physical examination and communicable disease determination by a licensed physician or nurse practitioner three (3) months prior to placement or within thirty (30) days after admission.
(5) The child caring institution shall have an agreement with an on-call licensed physician and the ability to arrange for emergency medical and dental examination and treatment.
(Division of Family and Children; 470 IAC 3-15-64; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2057; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-15-65 Discharge
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 65. (a) At the time of discharge, the child caring institution shall document the following in the child's case record:
(1) A written summary report of the care received by the child including any recommendations for the child and family.
(2) The date and reasons for discharge.
(3) The name, address, telephone number, and relationship of the person or agency to whom the child is released.
(b) The summary report shall be provided to the placing agency at the time of discharge.
(c) At the time of discharge, the child caring institution shall make a summary of health recommendations for the child available to the parents, guardian, placing agency, other individual, or agency to whom the child is released. *(Division of Family and Children; 470 IAC 3-15-65; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2058; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-66 Services to families
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 66. (a) The child caring institution shall make efforts to maintain ongoing contact with the child's parents, guardian, or other primary caretaker. The child caring institution shall encourage these persons to communicate and visit with the child in accordance with the care plan and in compliance with or subject to court orders and any limitations stated therein.
(b) The child caring institution shall encourage parents to assume responsibilities for the child and to cooperate with the child caring institution in carrying out its plans for him or her. The child caring institution shall document efforts to provide services to the child's family. *(Division of Family and Children; 470 IAC 3-15-66; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2058; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-67 Health program requirements; written plan
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 67. (a) The child caring institution shall submit a written, dated health program to the SBH on forms provided by that agency. The written program shall be approved by the SBH.
(b) The child caring institution and the consulting licensed physician shall review and revise as necessary the written program

and shall submit the program to the SBH every two (2) years. *(Division of Family and Children; 470 IAC 3-15-67; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2058; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-68 Medical services; generally
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 68. (a) The child caring institution shall engage the services of a licensed physician and licensed dentist to provide medical and dental examinations and care for the children in the child caring institution.

(b) The child caring institution shall report each hospitalization or visit to emergency medical facilities to the placing agency or the placing parent or guardian. *(Division of Family and Children; 470 IAC 3-15-68; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2058; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-69 First aid policies and practices
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 69. (a) The child caring institution shall establish written first aid policies for the care of illness or injury. The policies shall be dated and signed as approved by the consulting licensed physician. The child caring institution and the consulting licensed physician shall review the policies every two (2) years in conjunction with the written health program and revise them as necessary.

(b) First aid policies shall include, but are not limited to, directions for the care of the following:

(1) Poisoning.

(2) Seizures.

(3) Hemorrhaging.

(4) Artificial respiration.

(5) Choking.

(c) The child caring institution shall make the written first aid policies available to all staff and shall post them where they can be easily seen.

(d) Staff members shall have immediate access to the following:

(1) A telephone.

(2) The telephone numbers of the child caring institution's consulting licensed physician, consulting licensed dentist, and the nearest emergency medical facility.

(3) The telephone numbers for ambulance services, the local fire department, and the poison control center.

(4) The “Red Cross First Aid Manual” or its equivalent.

(5) First aid supplies, as specified by the child caring institution's consulting licensed physician.

(e) Staff members shall observe children for signs of illness or injury.

(f) The child caring institution shall keep first aid supplies in a place inaccessible to children, but easily accessible to staff. *(Division of Family and Children; 470 IAC 3-15-69; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2059; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-70 Medication; disbursement, application
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 70. (a) The giving or application of medication, providing dietary supplements, making special variations of diet, and carrying out medical procedures shall be done only on written order or prescription from a physician.

(b) Medication prescribed for an individual child shall be kept in the original container bearing the original pharmacy label showing the prescription number, the date filled, the physician's name, directions for use, and the child's name.

(c) When no longer needed, medication shall be returned to the physician or destroyed, and notation of such destruction or return shall be noted on the child's record. The child caring institution shall return unused portions of narcotic prescriptions to the

prescribing physician or pharmacy.

(d) The consulting licensed physician's orders for "as needed" or over-the-counter medications shall be posted where such medications are stored.

(e) Medications shall not be administered past the expiration date.

(f) The staff member administering medication shall record the following information in the child's health record:

(1) The date and time of day when medication is given.

(2) Why it is given.

(3) How much is given.

(4) By whom administered.

(Division of Family and Children; 470 IAC 3-15-70; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2059; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-15-71 Psychotropic medication

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 71. (a) The child caring institution shall provide psychotropic medications to a child only as prescribed by a licensed physician or licensed psychiatrist who has the responsibility for the diagnosis, treatment, and therapeutic planning for the child.

(b) The child caring institution shall obtain from the prescribing licensed physician a written report at least every thirty (30) days for each child receiving psychotropic medication. The written report shall state the reasons medication is being continued, discontinued, or changed, as well as any recommended changes in the care plan. The report shall be based on the licensed physician's review of reports by staff as well as the physician's actual observation of the child at least every ninety (90) days. *(Division of Family and Children; 470 IAC 3-15-71; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2059; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-72 Storage of medication

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 72. (a) The child caring institution shall store all medication in a locked cabinet, box, or drawer and in a safe place, not accessible to children.

(b) Medication not requiring refrigeration shall not be stored in the kitchen.

(c) Medication requiring refrigeration shall be stored in a plastic container covered and clearly labeled "medication". *(Division of Family and Children; 470 IAC 3-15-72; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2060; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-73 Health requirements for staff members

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 73. (a) Within thirty (30) days of employment, each staff member shall have a health examination which includes a Mantoux tuberculin test or chest x-ray and any other test and immunization considered necessary by the licensed physician. If the Mantoux tuberculin test is positive, the chest x-ray is mandatory. The health examination may have been conducted within three (3) months prior to employment.

(b) The child caring institution shall require an annual Mantoux tuberculin test of all field work students, food service personnel, and employees having direct contact with children.

(c) Volunteers having direct contact with children shall meet the same health examination requirements as paid staff.

(d) The child caring institution shall not permit employees who become ill or who return to work following illness to work in a capacity which may transmit disease or be detrimental to the health of the children or other employees.

(e) Children of resident staff members who live with their parents at the child caring institution shall be subject to the following immunization requirements:

(1) The child caring institution shall ensure that each child has received all immunizations and booster shots which are required by the SBH.

(2) All children shall be immunized against routine childhood diseases unless exempted by a licensed physician's statement.

(3) A child may be exempted from immunizations against routine childhood diseases upon the good faith religious belief statement of the parent or guardian.

(Division of Family and Children; 470 IAC 3-15-73; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2060; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-15-74 Nutrition and food service, menus, vendor service, education

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 74. (a) The child caring institution shall submit a written plan for nutrition and food services, including four (4) weeks of proposed menus to the SBH on forms provided by that agency. The written plan shall be approved by the SBH. The child caring institution shall submit a written revised plan for nutrition and food services to the SBH every two (2) years.

(b) The child caring institution shall provide the following:

(1) Regardless of the number of children served, a menu for three (3) meals a day; afternoon and evening snacks planned one (1) week in advance of serving, corrected as served, and kept on file for review by the SBH for a period of one (1) year.

(2) A current week's menu for all snacks and meals which shall be posted in the kitchen and eating area.

(3) Food preparation and service personnel with documentation of any special dietary prohibitions or substitutions for each child for whom such instructions are necessary, as based upon the written order of the child's physician.

(c) Vendor service, when used by the child caring institution, shall be approved by the SBH.

(d) The child caring institution shall provide nutrition education to the children and shall provide training in basic nutrition, sanitation, and guidance in planning nutrition education to the staff.

(e) The child caring institution shall provide meals and snacks that meet the dietary needs of each child as based on the current National Research Council Recommended Daily Allowances (NRC-RDA), according to each child's age, sex, and maturation.

(f) The child caring institution shall meet the following food requirements:

(1) Prepare and serve a planned breakfast. A staff person shall be responsible for and assist in breakfast preparation.

(2) Serve meals at times which meet the children's needs and which are spaced so that there are no unduly long periods without food. Additional portions of food shall be available for children and adults.

(3) Serve milk and milk products obtained from sources approved by the SBH. Reconstituted dry milk for drinking or skim milk shall not be served to children.

(4) Serve fruit juices that are one hundred percent (100%) fruit juice. All noncitrus juices served shall be fortified with Vitamin C.

(5) Serve ades and drinks, powders, and bases as supplements and not as substitutes for fruit juice or milk.

(6) Approve in writing by a physician, all special or therapeutic diets.

(7) Serve food in a relaxed atmosphere and in a family style setting whenever possible. Proper table etiquette shall be encouraged.

(g) Table serving, dining room chairs, and tables shall be of age-appropriate size and construction for the children using them.

(h) Direct care workers shall eat with the children and shall receive the same food as the children except for special dietary needs of the workers or the children.

(i) The kitchen shall meet state and local codes for one (1) family residence and shall be approved by the SBH.

(j) The kitchen shall be equipped with the following:

(1) A stove.

(2) A refrigerator.

(3) Closed cabinets for food and utensil storage.

(4) A two (2) compartment sink and automatic dishwasher or a three (3) compartment sink.

(5) Light and ventilation.

(6) Walls and ceilings that are smooth and easily washed.

(7) Counter surfaces that are smooth and free of cracks and seams.

(k) Refrigerators shall be maintained at a temperature of forty-five degrees Fahrenheit (45°F) or below.

(l) Freezers shall be maintained at temperature of zero degrees Fahrenheit (0°F) or below.

(m) Each compartment of the refrigerator and freezer shall be provided with an accurate thermometer located in a position for daily monitoring. *(Division of Family and Children; 470 IAC 3-15-74; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2060; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-75 Building, grounds, and equipment

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 75. (a) The building of the child caring institution shall conform to the requirements in this section and have the approval of the SBH.

(b) The building of the child caring institution shall not be located where any conditions exist that would be hazardous to the physical or moral welfare of the children.

(c) The child caring institution shall be equipped with a proper heating plant and capacity sufficient to maintain all housing units at a temperature of not less than sixty-eight degrees Fahrenheit (68°F) under severest weather conditions. Thermostatic control shall be maintained where feasible.

(d) A child caring institution shall provide safe and protected outdoor playground space.

(e) The child caring institution shall provide indoor and outdoor play equipment. The equipment shall be safe, repaired as needed, and shall be sufficiently varied to meet the needs of the children according to age, size, and social development. *(Division of Family and Children; 470 IAC 3-15-75; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2061; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-76 Space requirements; furnishings

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 76. (a) The child caring institution shall provide the following:

(1) Indoor living space sufficient to permit the separation of children engaged in quiet activities and in active play.

(2) Indoor play space for younger children separate and apart from that provided for older children.

(3) Space for children to study and read.

(b) The child caring institution shall provide the following:

(1) Separate sleeping quarters for male and female children.

(2) At least fifty (50) square feet of floor space or five hundred (500) cubic feet of air space for each child in sleeping rooms.

(3) At least three (3) feet of space between sides and ends of each single bed.

(4) At least five (5) feet of space between sides and ends of bunk beds. There shall be sufficient space to allow each occupant of the bunk to sit up in bed.

(c) The child caring institution shall provide an individual bed and mattress for each child. The bed shall be of age-appropriate construction, sufficient size for the child using it, and shall be up off the floor.

(d) The child caring institution shall provide bedding as follows:

(1) Mattress protection pad.

(2) Two (2) sheets, a pillow, pillow case, and bed covering sufficient for the comfort of the child.

(3) Clean sheets and pillow cases as often as required for cleanliness and sanitation, and at least once a week.

(4) Water-resistant bed pads for enuretic children and they shall have their linens changed as often as they are wet.

(e) The child caring institution shall provide a private bedroom, separate and apart from the children, for each resident staff member, except that one (1) bedroom for a resident married couple shall meet this requirement.

(f) The child caring institution shall provide the following for the care of a sick child:

(1) Adequate space to permit the isolation of a child who has a communicable disease or other illness requiring separation. While being used for illness, a room used for isolation shall not be used for any other purpose and shall be closed off from other rooms.

(2) A room which is well ventilated and heated.
(3) Sanitation of all furnishings after each use for isolation for a communicable disease.
(g) The child caring institution shall provide furnishings which are as follows:
(1) Safe and room appropriate for use.
(2) Maintained and repaired as needed.
(3) Sufficiently varied to meet the needs of the children according to their age, size, and social development.
(h) The child caring institution shall provide a study area which includes the following:
(1) Tables or desks.
(2) Chairs.
(3) Appropriate lighting for reading.
(Division of Family and Children; 470 IAC 3-15-76; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2061; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 3-15-77 Maintenance and safety
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 77. (a) The buildings and premises of each child caring institution shall at all times be maintained in a clean, safe, and sanitary condition and in a good state of repair.
(b) The child caring institution shall maintain the following safety precautions:
(1) Keep poisons and harmful chemicals under lock.
(2) Store other hazardous materials and equipment including cleaning supplies, polishes, bleaches, detergents, matches, and tools in a place locked to children.
(3) Prohibit the storage and use of firearms on the property.
(4) Provide adult supervision whenever power equipment is being used by children.
(5) Maintain or repair outdoor play space and grounds of the child caring institution and keep grounds free from observable hazards.
(c) A person holding at least a Red Cross advanced life saving certificate, or YMCA equivalent, shall be on duty at all times when a swimming pool or other swimming area is in use. A minimum of two (2) flotation lifesaving devices shall be provided for each pool or swimming area. *(Division of Family and Children; 470 IAC 3-15-77; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2062; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-78 SBH requirements; water supply and water treatment
Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 78. (a) An adequate water supply of a safe, sanitary quality shall be obtained from a water source or system approved by the SBH.
(b) Connection to a public water supply is required when available within a reasonable distance, not to exceed three hundred (300) feet.
(c) If a private well is used, water shall be potable and of adequate quantity. The well shall meet the construction standards under 410 IAC 6-10 and shall be approved by the SBH.
(d) The construction of a new water well or major alterations to an existing well shall be approved by the SBH.
(e) Drinking water shall be available to the children at all times.
(f) If drinking fountains are provided, they shall be of the sanitary type with guarded angular stream drinking fountain heads and shall be so constructed and located as to be accessible for use by the children at all times but shall not be located in a bathroom.
(g) If drinking fountains are not provided, individual single service cups shall be provided in a sanitary dispenser and used only once.
(h) All plumbing fixtures shall discharge into a public sanitary sewer whenever available within a reasonable distance, not to exceed three hundred (300) feet, or whenever soil conditions prohibit the construction of an adequate on-site system.

(i) Where a municipal sewage treatment system is not available and a private system is used, the sewage treatment system shall meet the requirements of 410 IAC 6-8.1 and shall be approved by the SBH.

(j) New plumbing equipment shall meet the requirements of the SBH and shall be approved by that agency. *(Division of Family and Children; 470 IAC 3-15-78; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2062; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-79 Bath; toilet facilities; and ventilation

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 79. (a) All bathing and handwashing facilities for children shall be provided with hot and cold running water. The child caring institution shall use automatic hot water control valves that maintain the hot water temperature at the point of use between one hundred degrees Fahrenheit (100°F) and one hundred twenty degrees Fahrenheit (120°F).

(b) The group home shall provide separate bathrooms for boys and girls.

(c) The group home shall have at least two (2) bathrooms furnished with a sink, toilet, and shower or tub.

(d) If fewer than seven (7) children of the same gender and nonresident awake night staff are present, the group home may have a minimum of one (1) fully equipped bathroom for children and one (1) half-bathroom for staff use.

(e) All group homes shall provide resident staff with bath and toilet facilities separate from those of the children.

(f) Each toilet shall be provided with toilet tissue which is dispensed in a sanitary manner.

(g) All windows which open, doors not equipped with panic hardware or equivalent, ventilators, and other outside openings shall be protected against insects by at least sixteen (16) mesh screening which is securely fastened as the season requires. *(Division of Family and Children; 470 IAC 3-15-79; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2063; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-80 Swimming pools

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 80. (a) Swimming pools shall be constructed in accordance with 675 IAC 20, maintained and operated in accordance with 410 IAC 6-2.

(b) Outdoor swimming pools shall be fenced. The gate shall be locked when the pool is not in use.

(c) Indoor pools shall be secured to prevent accidental entry or unauthorized use. *(Division of Family and Children; 470 IAC 3-15-80; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2063; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-81 Pets

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 81. Pets which are a potential source of rabies shall be immunized as needed against rabies. *(Division of Family and Children; 470 IAC 3-15-81; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2063; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-82 Building, plans and construction

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 82. (a) Prior to construction of any new building, conversion of an existing building, or major alteration to an existing building, or addition to an existing building, a set of complete plans and specifications shall be submitted to the SBH plan review section. The group home is exempted from submitting plans to the state building commissioner.

(b) The group home shall meet requirements of 675 IAC 14. A newly constructed group home shall submit to the SDPW certification by the architect or contractor of compliance with 675 IAC 14.

(c) A child caring institution licensed as a group home under previous rule 470 IAC 3-6 *[470 IAC 3-6 was repealed filed Jun 27, 1991, 12:00 p.m.: 14 IR 2045.]* that is licensed and in existence on the effective date of this rule and continues to operate at the same location shall have the option to continue to be licensed as a group home.

(d) The maximum height of a building used for bedrooms in a group home shall be limited to two (2) stories excluding the basement.

(e) Every sleeping room shall have at least one (1) operable exterior window or exterior door for emergency exit or rescue in conformance to 675 IAC 14. The means of exit shall be operable from the inside to provide full, clear opening without the use of tools.

(f) Where windows are provided as a means of exit or rescue, they shall have a sill height of not more than forty-four (44) inches above the finished floor and a minimum net clear opening of four and three-fourths (4.75) square feet. The minimum net clear opening shall be twenty-four (24) inches high and eighteen (18) inches wide.

(g) Prior to initial licensure, the group home shall submit a statement signed by an electrician certifying that the electrical service and system are sufficient to service the intended use in a safe manner. *(Division of Family and Children; 470 IAC 3-15-82; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2063; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-83 Smoke detection system

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 83. The group home shall be equipped with smoke detectors as required under 675 IAC 14. *(Division of Family and Children; 470 IAC 3-15-83; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2064; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 3-15-84 Safety requirements; exits; fireplaces; extinguishers; heaters; combustibles

Authority: IC 12-13-5-3
Affected: IC 12-17.4

Sec. 84. (a) Every closet door latch shall be such that it can be opened from the inside in case of emergency.

(b) Every bathroom door shall be designed to permit the opening of the locked door from the outside in an emergency.

(c) No door in any means of egress shall be locked against egress when the building is occupied.

(d) The administration of the facility shall have a written posted plan for evacuation in case of fire and other emergencies. The administration shall teach the procedures to all staff as a part of their orientation.

(e) Fire exit drills shall be conducted monthly. The shift conducting the drill shall be alternated to include each shift once a quarter. At least two (2) drills shall be conducted during sleeping hours annually.

(f) Where smoking is permitted, noncombustible safety-type ash trays or receptacles, for example, glass, ceramic, or metal, shall be provided.

(g) Fireplace safety requirements shall be as follows:

(1) If the fireplace is used, the chimney flue shall be cleaned annually and a written record of the cleaning retained.

(2) Glass doors, a noncombustible hearth, and grates shall be provided for each fireplace in use.

(3) Ashes from the fireplace shall be disposed of in a noncombustible covered receptacle. The receptacle shall then be placed on the ground and away from any building or combustibles.

(4) Proper fireplace tools shall be provided for each fireplace in use.

(h) A ten (10) pound ABC multipurpose type extinguisher, or the equivalent, shall be located on each floor of the facility, including one (1) located in the kitchen.

(i) All sprinkler systems, fire hydrants, standpipe systems, fire alarm systems, portable fire extinguishers, smoke and heat detectors, and other fire protective or extinguishing systems or appliances shall be maintained in an operative condition at all times and shall be replaced or repaired where defective.

(j) All required fire resistive construction shall be properly repaired, restored, or replaced when damaged, altered, breached, penetrated, removed, or improperly installed.

(k) The facility shall be free from fire hazards. All combustible rubbish, oily rags, or waste material, when kept within a building or adjacent to a building, shall be securely stored in metal or metal-lined receptacles equipped with tight fitting covers or

in rooms or vaults constructed of noncombustible materials. Dust and grease shall be removed from hoods above stoves and other equipment.

(l) No combustibles shall be stored within three (3) feet of furnaces and water heaters.

(m) No heating appliance shall be located as to block escape in case of fire arising from malfunctioning of the appliance.

(n) The facility shall not use an unvented heater of any type.

(o) The facility shall not use any type of solid fuel-burning appliance, except fireplaces, which do not serve as the primary source of heat.

(p) The facility shall maintain all fuel-burning appliances in a safe operating condition. There shall be an annual inspection by a qualified inspector of all fuel-burning appliances.

(q) The gas and electric shutoffs shall be labeled and easily accessed in case of emergency.

(r) All Class I, II, III-A flammable liquids shall be stored in a container listed by an independent laboratory with the maximum quantity not to exceed five (5) gallons. *(Division of Family and Children; 470 IAC 3-15-84; filed Jun 27, 1991, 12:00 p.m.: 14 IR 2064; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

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