Rule 4.8. Emergency or Temporary Closure of Child Care Centers and Child Care Homes

470 IAC 3-4.8-1 List of conditions

Authority: IC 12-13-5-3; IC 12-17.2-4-18.7; IC 12-17.2-5-18.7
Affected: IC 4-21.5-4; IC 12-17.2-4; IC 12-17.2-5

Sec. 1. (a) The following are the list of conditions that pose immediate threat to the life or well-being of a child in the care of a child care provider that may subject a child care center or child care home to emergency or temporary closure order:

1. Building damage due to:
   (A) earthquake;
   (B) flooding or water damage;
   (C) tornado;
   (D) severe wind;
   (E) ice storm;
   (F) fire;
   (G) lead contamination; or
   (H) asbestos.

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 in 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.

10. Lack of supervision, which results in the death or serious injury of a child.

(b) If an employee or agent of the division determines that a violation in subsection (a) exists, the division shall:

1. issue an emergency or another temporary order under IC 4-21.5-4 requiring the licensee to immediately cease operations of the child care center or home; and

2. contact the parent or guardian of each child enrolled in the child care center or child care home to inform the parent or guardian:
   (A) that the division has issued an order to require the licensee to cease operations of the child care center or child care home; and
   (B) the reason for the order to cease operation.

(Division of Family Resources; 470 IAC 3-4.8-1; filed Aug 11, 2004, 11:05 a.m.: 28 IR 196)

470 IAC 3-4.8-2 Administrative hearing

Authority: IC 12-13-5-3; IC 12-17.2-4-18.7; IC 12-17.2-5-18.7
Affected: IC 12-17.2-4-20; IC 12-17.2-5

Sec. 2. If the division issues an order to cease operation, an administrative hearing concerning the decision shall be held under IC 12-17.2-4-20. (Division of Family Resources; 470 IAC 3-4.8-2; filed Aug 11, 2004, 11:05 a.m.: 28 IR 197)