

Family Child Care Licensing Manual

(November 2016)

for use with

COMAR 13A.15 - Family Child Care
(as amended effective 7/20/15)

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COMAR 13A.15.08 Child Supervision

.01 General Supervision.

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

INTENT: To protect the health, safety, and welfare of children, an individuals who have responsibility for supervising children in care must meet applicable requirements as outlined in COMAR 13A.15.02.02 and 13A.15.06 before being permitted to supervise any child in care.

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

ASSESSMENT METHOD:

- *Through observation and discussion with the Provider, identify each person who has child supervision responsibility.*
- *Review of documentation in the Provider's licensing file to verify that, in each case, all applicable requirements were met before the person began supervising any child.*

- B. **Except as provided in Regulation .02C and D of this chapter, when a child is in attendance, the individual responsible for supervising the child shall at all times:**

- (1) **Be alert and responsive;**
- (2) **Know where the child is;**
- (3) **Be able to see or hear the child;**
- (4) **Be near enough to the child to render immediate assistance; and**
- (5) **Provide supervision appropriate to the individual age, needs, capabilities, activities, and location of the child and may include, but not limited to:**
 - (a) **Making reasonable accommodations for a child with special needs in accordance with applicable federal and State laws; and**
 - (b) **If applicable, allowing an adult who provides specialized services to a child in care having special needs to provide those services at the home in accordance with the child's individualized education plan, individualized family services plan, or written behavioral plan.**

INTENT: The provider, additional adult, and/or substitute (as applicable) is responsible for the safety and appropriate supervision of the child at all times and must be able to render immediate assistance to the child if necessary. (See resource guide, "Supervising Children")

INSPECTION REPORT ITEMS: "General Supervision"

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

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

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

C. The provider or substitute shall:

- (1) **Remain inside the home while a child in care younger than 6 years old is present inside the home; and**

Notes:

- *At all times, awake/active infants and pre-school children are within sight or sound of the provider or substitute and on the same level of the home.*
- *Children 6 years old or older may be on a different level of the home from the provider or substitute if:*
 - *They are checked often enough to ensure their health, safety, and welfare, but at least every 15 minutes;*
 - *They have demonstrated by their behavior they can abide by limits the Provider have set;*
 - *Their parents are aware of the multi-level supervision; and*
 - *That level of the home is approved for use and meets the applicable fire code.*

- (2) **Accompany a child in care who is younger than 6 years old whenever the child is outside of the home.**

Notes:

- *The Provider must be physically present with infants and preschool children at all times when outdoors.*
- *Children 6 years old or older may be outside without the Provider if:*
 - *They remain within sight or sound and are checked often enough to ensure their health, safety and welfare, but at least every 15 minutes;*
 - *They have demonstrated by their behavior that they can abide by limits the Provider have set;*
 - *Their parents are aware of the outdoor supervision; and*
 - *They are not in or around a pool.*

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- D. **Supervision of Resting Children.**
- (1) **If a resting or napping child is younger than 2 years old, the provider or substitute shall:**
 - (a) **Remain within sight and sound of the child; and**
 - (b) **Observe the child at least every 15 minutes to determine that the child is safe, breathing normally, and in no physical distress.**
 - (2) **If a resting or napping child is 2 years old or older, the child:**
 - (a) **May be on a different level of the home from the provider or substitute if:**
 - (i) **That level is approved by the office for child care use; and**
 - (ii) **The provider has informed the child's parent that the child is permitted to be on a different level of the home; and**
 - (b) **Shall be observed by the provider or substitute to ensure the child's safety and comfort at intervals appropriate to the child's age and individual need.**
 - (3) **If a resting or napping child is in a different room from the provider or substitute and that room can be closed off from the rest of the home by a door, screen, or similar furnishing, the provider or substitute shall ensure that the door, screen, or similar furnishing remains open so that the view into the room is unobstructed.**
- E. **The provider may use a video and sound monitoring system to meet the sound and sight requirement in §D(1)(a) of this regulation.**

INTENT: (D-E) A sleeping child is a child whose safety and well-being must be actively and personally monitored. Video and sound monitors may be used to see and listen to sleeping children but visual checks must be made every 15 minutes for children under age 2 years to ensure that they are breathing normally and in no physical stress. A sleeping child under the age of 12 months is susceptible to SIDS and the Provider must take certain steps that have been shown to reduce the risk of SIDS.

INSPECTION REPORT ITEM: “Supervision of Resting Children”

COMPLIANCE CRITERIA:

The following are criteria for supervision of children during rest periods:

- *The Provider or substitute is awake, alert, and inside the home.*
- *At appropriate intervals (at least every 15 minutes for a child younger than 2 years old) the Provider visually checks each child who is or may be asleep to assess the child's safety, breathing, and physical comfort.*
- *The Provider informed parents of sleeping arrangements for children in care if children sleep on different levels of the home.*
- *Gates to stairways are in place and properly secured.*

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ASSESSMENT METHOD:

- *Observation of:*
 - *The Provider or substitute to determine if awake, alert, and inside the home while children are resting or asleep.*
 - *The Provider or substitute to determine if at appropriate intervals (at least every 15 minutes for a child younger than 2 years old) the Provider or substitute visually checks each child who is or may be asleep to assess the child's safety, breathing, and physical comfort.*
- *If applicable, review of documentation that the Provider informed parents of sleeping arrangements for children in care who sleep on different levels of the home.*
- *Gates to stairways are in place and properly secured.*
- *If observation is not possible, discussion with the Provider or substitute (or additional adult if applicable) to determine how sleeping children are supervised,*

Notes: *As also indicated at 13A.15.10.06:*

- *Unless the Provider has written instructions to the contrary from the child's physician, the Provider places each child on his/her back for sleep if:*
 - *The child is younger than 12 month old, or*
 - *The child cannot roll over without assistance.*
 - *The child is younger than 12 months, and can roll over unassisted, the child is allowed to adopt whatever position the child prefers to sleep.*
 - *Unless the need for a positioning device that restricts a child's movement while the child is resting is specified in writing by the child's physician, an object or device, including but not limited to a strap, wedge, or roll, that restricts movement is not be used with a child in a crib, portacrib, playpen, cot, bed, mat, or other rest furnishing.*
- F. A child may not be left unattended on the premises of the home, in a motor vehicle, or during an off-site activity.**

Note: *Leaving a child unattended on the premises of the home, in a motor vehicle, or during an offsite activity may result in a finding of child neglect which could rise to the level of criminal charges filed against the individual responsible for supervision, and/or the Provider.*

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.02 Off-Site Supervision.

- A. **During an off-site activity, the provider or substitute shall exercise reasonable care to protect children from potentially hazardous areas and situations.**

(See resource guide, “Supervising Children”)

- B. **If the outdoor activity space is not on the premises, the provider or substitute shall accompany and supervise a child of any age in transit to and from the space and while at the space.**

***INTENT:** If the outdoor activity area is located away from the home, the Provider must be with each child at all times as the child moves between the Provider’s home and the activity area, and provide the level of supervision necessary to protect each child from harm.*

***INSPECTION REPORT ITEM:** “Off-site supervision”*

***COMPLIANCE CRITERIA:** The Provider accompany each child while traveling to and from outdoor activities away from the family child care home, and provides appropriate supervision while doing so.*

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

- C. **Before a child may participate in a supervised activity out of the home without the provider or substitute, responsibility for the child's whereabouts and supervision shall be clearly assigned throughout the period of the activity.**

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

***INSPECTION REPORT ITEM:** “Off-site Supervision”*

COMPLIANCE CRITERIA:

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

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ASSESSMENT METHOD:

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

- D. A child in care may not travel to or from school or a school transportation site without adult supervision unless the child is in the first or a higher grade.**

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

INSPECTION REPORT ITEM: "Off-site Supervision"

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

- *Determined that the child is ready to walk alone,*
- *Agreed to that travel, and*
- *Established a safe travel route for the child.*

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

THIS IS A DUPLICATION – SEE 13A.15.08.01D.

.03 Supervision of Resting Children.

To determine if a resting child is safe, breathing normally, and in no physical distress:

- A. Each resting child shall be observed at intervals appropriate to the child's age and individual needs; and**
- B. A resting child younger than 12 months old shall be observed at least every 15 minutes**

.04 Water Activity Supervision.

A child engaged in swimming or wading shall be under immediate supervision by the provider or substitute at all times.

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- A. **Whenever children are engaged in a swimming activity, at least two adults permitted to have child care responsibilities under this subtitle shall be present during the activity.**
- B. **When water is over a child's chest and the child cannot swim, the provider or substitute shall be in the water with the child to provide one-to-one supervision.**
- C. **When water is more than 4 feet deep, an individual 16 years old or older who holds a current certificate of approval for lifeguarding from the American Red Cross, YMCA, or other organization acceptable to the office or the local health department shall be present and on duty at all times while a child is in the water. A provider, substitute, or approved additional adult with the requisite certification may fulfill this requirement.**
- D. **Even when a certified lifeguard is present, the provider or substitute shall retain responsibility for appropriate supervision of each child engaged in swimming or wading.**

***INTENT:** Swimming is a potentially dangerous activity, especially for small children. Therefore, the Provider must ensure that each child is appropriately supervised and constantly monitored whenever the child is in the water. The Provider is responsible for each child's safety at all times while the child is in participating in swimming activities even though a certified life guard is present.*

***INSPECTION REPORT ITEMS:** "Water Activity Supervision"*

COMPLIANCE CRITERIA:

- *Each child is supervised as required and monitored constantly by the Provider or another adult present with the Provider for swimming activities.*
- *If water exceeds 4 ft. in depth, a person 16 years old or older, with current, approved lifesaving certification is present.*

***ASSESSMENT METHOD:** Observation to determine if and how each child is being monitored and supervised. Otherwise, discussion with the Provider to determine how the children are monitored and supervised while participating in swimming activities.*

Notes:

- *If the Provider has a pool, the Provider must ensure that it meets all applicable State or local health department requirements.*
- *The Provider must have appropriate procedures for supervision of the children during water play, including how to accommodate children who are napping, toileting, or not engaged in water play.*

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- *It is strongly recommended that:*
 - *Non-swimming children be allowed in water only if it is below their knees, and*
 - *One-on-one supervision must be provided to each child younger than 2 years during a water activity.*

.05 Overnight Care Supervision.

- A. **If overnight care is provided, the provider or substitute shall, throughout the period of care:**
 - (1) **Remain on the premises;**
 - (2) **Remain on the same level of the home as the children in care; and**
 - (3) **Respond to the feeding schedule, sleep habits, sleep disturbances, and age-appropriate bedtime routine of each child in care.**
- B. **If overnight care is provided to four or more children at the same time, the provider or substitute shall remain alert and awake at all times.**

*Notes: For more information, see resource guide, “**Overnight Care in Family Child Care Homes**”.*

- *Overnight care is care provided between the hours of 12:00 A.M. and 6:00 A.M.*
- *Age- and gender-appropriate sleeping arrangements must be agreed upon by children’s parents and included in the Parent Agreement/Contract.*
- *An additional adult is needed on the premises if providing 24-hour care for four or more children.*
- *A plan of operation must be submitted to the Regional Office which includes:*
 - *Number and ages of children to be served*
 - *Meal and snack schedule*
 - *Name of substitute, if different from the day time substitute*
 - *Supervision plan*
 - *Bedtime routine*
 - *Evacuation plan*
- *Children in overnight care must sleep in beds or cribs. Cots are not acceptable for overnight care. Each child must have separate clean linens and toiletries.*
- *All rooms used for overnight care must be approved by the Fire Marshal.*