

Child Care Regulations in Utah

Overview

A summary of child care regulations in Utah.

- Types of care that must be licensed
- Types of care that may operate without a license
- Age-group definitions
- Subsidized child care
- Whom to contact
- Child abuse reporting
- Child care centers
- Family group care homes
- Family and residential-certificate child care homes

Child care is regulated differently in every state and sometimes even in different cities or counties in the same state. In Utah the Department of Health, Bureau of Licensing licenses both hourly and full-day child care centers, family group care homes, family child care homes, and residential-certificate child care homes. Other types of local regulations, such as zoning, health, building, and fire safety codes, may also apply to child care facilities.

This guide explains the level of quality required by child care regulations in Utah. Some child care programs in the state operate at this level and some well above it. The state also has some recommended standards that exceed the licensing requirements. You may ask providers if they meet these voluntary guidelines. As a parent, you have your own standards and will look for providers you trust to meet them. Over time, your informed consumer choice and cooperation with the licensing agency can help raise the quality of child care in your community.

Both the law and licensing requirements are subject to change. To ensure that you have accurate and complete information, check with the licensing office to see if there have been any changes since this information was last updated.

Types of care that must be licensed

Child care licensing is a type of regulation in which the state gives an individual or group permission to operate a child care facility. The Utah Department of Health, Bureau of Licensing is responsible for monitoring compliance with state standards, establishing procedures for revoking a license, and providing appeal mechanisms.

In Utah, the following forms of child care must be licensed:

- *Child care centers.* Full- or part-time care in a nonresidential setting for five or more children.
- *Family group care homes.* Full- or part-time care in a residence for between nine and 16 children, including the provider's own children under 4 years old.

- *Family and residential-certificate child care homes.* Family child care homes provide full- or part-time care in a residence for between five and eight children, including the provider's own children under 4 years old. Residential-certificate child care homes provide care for up to eight children, not including the provider's own. These providers may chose to be licensed instead of certified.

More detailed information about child care centers, family group care homes, and family and residential-certificate child care homes can be found later in this guide.

Types of care that may operate without a license

Some types of child care are not required to be licensed by the state. There are no agencies investigating or regulating these providers, so be sure you thoroughly check a provider's background and experience before choosing this type of care.

In Utah, the following forms of child care are exempt from licensing:

- Care provided in the child's home or by relatives
- Family child care providers who care for four or fewer children
- Parochial educational institutions
- Programs regulated by the Utah Department of Education
- Programs in the home of the provider operating for fewer than four hours per day on a sporadic basis

Age-group definitions

- *Infant:* child between birth and 12 months
- *Toddler:* child between 12 and 24 months
- *Preschooler:* child between 2 and 5 years
- *School-age:* child between 5 and 13 years

Subsidized child care

The Utah Department of Social Services makes funds available to families to assist them with child care payments. The amount of the payments depends on family size and income. Recipients of these funds must be working or in training for employment to qualify. Families who are eligible may receive assistance whether their child is in a child care center, family group care home, family child care home, or residential-certificate child care home as long as the type of care complies with state regulations. The department contracts directly with providers for subsidized care.

For further information about program availability and how to qualify, contact the Utah Department of Social Services, Office of Work and Family Life, at 801-526-4340 or 800-622-7390.

Whom to contact

For more detailed information regarding child care regulations in Utah, to obtain a copy of the state standards, or to report licensing violations, contact:

Utah Department of Health

Bureau of Licensing

288 North 1460 West
Salt Lake City, UT 84116
801-538-9299
888-287-3704

Utah Department of Workforce Services

Office of Child Care

140 East 300 South
Salt Lake City, UT 84111
801-526-4340
800-622-7390

Child abuse reporting

The staffs of all child care facilities are required to report known or suspected child abuse or neglect to the state or to police. To report suspected child abuse, contact the local law enforcement agency, the Utah Division of Family Services, or call 800-678-9399.

Child care centers

Licenses

- Must be licensed and renewed every year.
- Licenses must be posted.
- General liability insurance is required if the center has a state contract.
- Professional liability insurance is not required.

State inspection

- Inspections are required prior to licensing and at renewal.
- Unannounced inspections are made periodically and after a complaint.

Staff:child ratios

- Birth to 12 months: one staff for up to four children (1:4)
- 13 to 24 months: one staff for up to four children (1:4)
- 2 years: one staff for up to seven children (1:7)
- 3 years: one staff for up to 12 children (1:12)
- 4 years: one staff for up to 15 children (1:15)
- 5 to 13 years: one staff for up to 20 children (1:20)
- During naptime, higher ratios are permitted for children over 2 years.

Mixed-age group ratios are determined by averaging the ratios required for the ages in the group; if more than half the children are in the youngest age group, ratios for that age must be used.

Infants may be included in mixed-age groups only when eight or fewer children are present in the center, and no more than two infants per staff are permitted in this group.

Maximum group size

- Birth to 12 months: 8
- 13 to 24 months: 8
- 2 years: 14
- 3 years: 24
- 4 years: 30
- 5 to 13 years: 35

Staff qualifications

Director

- Must be at least 21 years old
- Must know all applicable laws and rules
- Must have a high school diploma or a general equivalency diploma (GED) and one of the following:
 - Bachelor's or associate's degree in early childhood or child development
 - Bachelor's degree in a related field and four higher education courses in child development
 - National or state certification such as Certified Child Care Professional, National Administrator Credential, Child Development Associate (CDA)

5 • Child Care Regulations in Utah

credential, or other credential that the licensee demonstrates to the department as equivalent

- Must ensure that direct supervision is maintained during operating hours

Teacher

- Must be at least 18 years old
- Must have a high school diploma or a GED

Aide

- Must be at least 16 years old
- Must not be included in the staff ratios
- Must be under the direct supervision of a caregiver at least 18 years old

Substitute

- Must meet requirements of staff for whom substituting

Staff training

- Twenty hours in the first year, 10 of which must be in a health-related area

CPR and first aid

- At least one person trained in CPR and basic child and infant first aid must be present at all times.

Staff medical requirements

- Physical exam is required.
- TB test is required.
- Immunizations are not required.
- AIDS test is not required.
- Drug and alcohol tests are not required.

Staff background checks

- Criminal background check is required.
- Fingerprinting is required, unless the covered individual has resided in Utah for the last five years or has previously submitted fingerprints or, as of May 3, 1999, the covered individual was involved with a child care facility in a covered individual capacity and has resided in Utah continuously since that time.
- Must have a child abuse background check prior to licensing and each year.

- Staff who have lived in the state fewer than two years must have a records check in their former state.
- References not required.

Discipline

- Must have a written policy.
- Certain methods of discipline, including corporal punishment, are prohibited.

Parents' rights

- Written copies of operating policies and state regulations must be available.
- Must receive a copy of the "Parent Guide to Licensing" brochure.
- Must have access to the child and facility at any time.
- Must be notified immediately of any injury, illness, or accident requiring medical attention.
- Must be notified of any nonserious injury, illness, accident, or communicable disease on the same day.
- Must have access to the child's records.

Health and safety requirements

- Must have a written emergency plan that addresses illness, injury, fire, etc.
- Must have written authorization to release the child to an adult and children must be signed in and out.
- Must have a working phone.
- Emergency phone numbers must be posted.
- Must have a first-aid kit and manual and a body-fluid clean-up kit.
- Electrical outlets must be covered.
- Must have smoke detectors on each floor.
- Annual fire inspections are required.
- Must have a fire extinguisher.
- Must practice fire drills monthly.
- Must practice disaster drills semiannually.
- Hazardous or toxic materials must be inaccessible to children.

7 • Child Care Regulations in Utah

- Any structure built prior to 1978 that has peeling, flaking, chalking, or failing paint shall be tested for lead-based paint.
- Fireplaces, space heaters, or wood-burning stoves that are accessible to children while in use are prohibited.
- Glass surfaces within 36 inches of the floor shall be safety glass or have a protective barrier.
- Pets must be clean and in good health and must be vaccinated/immunized.
- Children shall not handle reptiles, including lizards and turtles.
- Outdoor play areas and hazardous areas must be fenced.
- Swimming pools must meet health department regulations and have locked gates.
- Smoking is prohibited while children are present.

Transportation

- Written policies and procedures addressing transportation of children to and from school are required.
- Must have at least one CPR/first-aid certified caregiver.
- Vehicle must have a first-aid kit and manual and a body-fluid clean-up kit.
- Vehicles must have a current registration and be safe and clean.
- Size-appropriate safety restraints are required for each child.
- Vehicle must be locked during transport.
- Children shall carry the name and phone number of the center during off-site activities.
- Must have written permission for activities and to transport children.

Child medical requirements

- Must have a physical exam and appropriate immunizations, including hepatitis B.
- Screening for blood lead levels is not required.
- Must have written instructions and parental permission to administer medications.

Care for sick children

- Children developing signs of illness must be kept separate from other children.
- If a child shows signs of an illness after arrival, the parents must be contacted to pick up the child.

Family group care homes

Licenses

- Must be licensed and renewed annually.
- License must be posted.
- Liability insurance is not required.

State inspection

- Inspections are required prior to licensing.
- Unannounced inspections are made annually and after a complaint.

Staff:child ratios

- Birth to 24 months: one staff for up to two children (1:2)
- All: one staff for up to nine children (1:9)

Maximum group size

- May care for up to six children with no more than three children under 24 months, including the provider's own children under 4 years old
- May care for up to eight children with no more than two children under 24 months, including the provider's own children under 4 years old
- May care for up to 16 children of whom no more than four children present may be under 2 years old, including the provider's own children under 12 years old
- May care for up to 20 children of mixed ages with no more than four under 2 years old, including the provider's own children under 12 years old

Staff qualifications

Provider

- Must be at least 18 years old
- Must have a high school diploma or a GED
- Must attend two hours of orientation training
- Does not have to live in the home

Assistant

- Must be at least 18 years old
- Must attend two hours of orientation training

Substitute

- Must be at least 18 years old
- Must have a list of available substitutes
- Must meet requirements of staff for whom substituting

Staff training

- Orientation training is required in health, safety and emergency procedures, job responsibilities, and child discipline procedures.
- Must have 20 hours of training annually, where at least two shall be person-to-person instruction.

CPR and first aid

- Must have one certified staff member present at all times

Staff medical requirements

- Must have a physical exam in the past six months.
- TB test is required.
- No immunization requirements.
- AIDS test is not required.
- Drug and alcohol tests are not required.

Staff background checks

- Staff and household members over 18 years old must have annual criminal background checks; if positive, must be fingerprinted.
- Staff and household members over 18 years old must have child abuse checks prior to licensing and annually.
- Must provide two references.

Discipline

- Must have a written policy.
- Certain methods of discipline, including corporal punishment, are prohibited.

Parents' rights

- Written copies of operating policies and state regulations must be available to parents.
- Must have access to the child and facility at any time.

- Must be notified immediately of any injury, illness, or accident requiring medical attention.
- Must be notified of any nonserious injury, illness, accident, or communicable disease on same day.

Health and safety requirements

- Must have a written emergency plan to address illness, injury, fire, etc.
- Must have written authorization to release the child to an adult.
- Must have a working phone.
- Emergency phone numbers must be posted.
- Must have a first-aid kit and body-fluid clean-up kit.
- Electrical outlets must be covered.
- Any structure built prior to 1978 that has peeling, flaking, chalking, or failing paint shall be tested for lead-based paint.
- Fireplaces, heaters, or wood-burning stoves shall be inaccessible to children.
- Portable space heaters are prohibited.
- Must have smoke detectors and fire extinguishers on each floor.
- Must practice evacuation drills.
- Hazardous or toxic materials must be inaccessible to children.
- Pets must be vaccinated/immunized.
- Children shall not handle reptiles, including lizards and turtles.
- Swimming pools must be fenced.
- Must comply with local ordinances.
- Smoking is prohibited.

Transportation

- Vehicle must have a first-aid kit and manual and a body-fluid clean-up kit.
- Vehicles must have current registration and be safe and clean.
- Size-appropriate safety restraints are required for each child.
- Vehicle must be locked during transport.

Child medical requirements

- Physical exam and age-appropriate immunizations, including hepatitis B, are required.
- Must have parental permission to administer medications.

Care for sick children

- Children developing signs of illness must be kept separate from other children
- If a child shows signs of an illness after arrival, the parents must be contacted to pick up their child.

Family and residential–certificate child care homes

Licenses

- Family child care homes must be certified and renewed annually.
- Residential–certificate homes do not receive certification, only an approval letter.
- Certification must be posted.
- Liability insurance is not required.

State inspection

- Inspections are required prior to licensing.
- Family child care homes are inspected annually without notice; residential certificate homes are inspected with a 90-day notice.
- All home providers are inspected after a complaint.

Staff:child ratios

- One staff for up to six children (1:6) with no more than three children under 2 years old, including the provider’s own children under 4 years old
- One staff for up to eight children (1:8) with no more than two children under 2 years old, including the provider’s own children under 4 years old

Maximum group size

- Up to eight children

Staff qualifications

Provider

- Must be at least 18 years old
- Must have a high school diploma or a GED

- Must attend five hours of orientation training within 90 days of initial certificate issuance from a program approved by the department
- Must live in the home and be present at all times, both indoors and outdoors
- Must be an approved federal food program provider as of July 1, 1998, or possess a variance

Assistant

- Must be at least 18 years old
- Must attend five hours of orientation training

Substitute

- Must have available substitutes
- Must be at least 18 years old
- Must meet requirements of staff for whom substituting

Staff training

- Family child care providers must have twenty hours of annual training.
- Residential-certificate providers must have five hours of approved one-time training in basic health and safety.

CPR and first aid

- Family child care providers must hold a current certificate in CPR and first aid.
- Residential-certificate providers must complete a CPR and first-aid course.

Staff medical requirements

- Physical exam, including TB test, is required for family providers but not for residential-certificate providers.
- Immunizations for providers are encouraged.
- Drug and alcohol tests are not required.

Staff background checks

- Staff, substitutes, and household members over 18 years old must have an annual criminal background check.
- Fingerprinting is required.
- Staff, substitutes, and household members over 18 years old must have a child abuse check prior to licensing and annually.
- Must provide two references.

Discipline

- Must have a written policy.
- Certain methods of discipline, including corporal punishment, are prohibited.

Parents' rights

- Written copies of operating policies and state regulations must be available to parents.
- Must have access to the child and facility at any time.
- Must be notified immediately of any injury, illness, or accident requiring medical attention.
- Must be notified of any nonserious injury, illness, accident, or communicable disease on same day.

Health and safety requirements

- Must have a written emergency plan to address illness, injury, fire, etc.
- Must have written authorization to release the child to an adult.
- Must have a working phone.
- Emergency phone numbers must be posted.
- Must have a first-aid kit.
- Electrical outlets must be covered.
- Must have smoke detectors on each level.
- Must have fire extinguishers on each level.
- Must practice evacuation drills.
- Hazardous or toxic materials must be inaccessible to children.
- Pets must be vaccinated/immunized.
- Children shall not clean or assist with the cleaning of animals or cages.
- Children shall not handle reptiles, including turtles and lizards.
- Pools must meet health department regulations and have locked gates.
- Must comply with local ordinances.
- Smoking is prohibited when children are present.

Transportation

- Owner must have a current Utah driver's license.
- Vehicles must have current registration, insurance, and inspection.
- Size-appropriate safety restraints are required for each child.

Child medical requirements

- Physical exam and age-appropriate immunizations, including hepatitis B, are required.
- Screening for blood lead levels is not required.
- Must have parental permission to administer medications.

Care for sick children

- If a child shows signs of an illness after arrival, the parents must be contacted to pick up the child.