DEPARTMENT OF WORKFORCE SERVICES (DWS)
FAMILY, FRIEND, & NEIGHBOR (FFN) APPROVAL REQUIREMENTS

Approval Requirements
1) To receive an initial DWS FFN Child Care Approval, providers must do all of the following:
   a) Read the requirements.
   b) Submit the following to the Utah Department of Health Child Care Licensing Program:
      i) a completed Child Care Licensing Application,
      ii) a completed Background Check form for each Covered Individual, and
      iii) fingerprints and the fingerprint processing fee for each Covered Individual 18 years old and older.
   c) Complete New Provider Training.
   d) Have Covered Individuals who passed the CCL background check.
   e) Have a home inspection and be in compliance with all requirements.
   f) Complete the Affidavit of Lawful Presence in the United States.
2) A DWS FFN Approval application will be denied when:
   a) The provider does not submit all background check information and fees within 60 calendar days of submitting the application;
   b) The provider does not complete New Provider Training within 60 calendar days of submitting the application;
   c) All Covered Individuals do not pass the background check;
   d) The provider is not there for the home inspection; and/or
   e) The provider does not show compliance with the requirements within 60 calendar days of submitting the application.
3) To maintain a DWS FFN Approval, the provider must be in compliance with all requirements.
4) To renew a DWS FFN Approval, the provider must have an announced home inspection before the end date of the approval and be in compliance with all requirements.
5) A DWS FFN Approval will be not be renewed when:
   a) The provider is not there for the announced home inspection; and/or
   b) The provider does not show compliance with all requirements.
6) DWS FFN Approvals are active for one year.
7) DWS FFN Approvals are for the provider and the location and are not assignable or transferable. An application for a DWS FFN Approval is required for a different provider and for a different location.
8) DWS FFN Approvals will only be given for child care in the home of the provider and/or in the home of the child(ren) in care.
9) DWS FFN Approvals will not be given if there is an active approval at the same location.
10) DWS FFN Approvals will not be given if there is a foster care license at the same location.
11) A DWS FFN Approval is not a guarantee of payment from DWS. The DWS customer applying for child care assistance must be eligible and comply with the DWS eligibility processes. The DWS customer has specific application, review, and reporting time frames that may be different from the DWS FFN Approval process with Child Care Licensing. Late verifications may result in a loss of benefits and/or require the DWS customer to complete a new child care assistance application. The DWS customer is responsible for any costs not covered by DWS.
**Inspection Requirements**

1) Before the initial approval, the provider will have an announced home inspection to assess compliance with all requirements. When noncompliance to any requirement is found during this inspection, the provider will be given a date to come into compliance with the requirement(s). The application will be denied when:
   a) The provider is not there for the home inspection.
   b) The provider does not show compliance with the requirement(s) by the required date.

2) During the approval year, the provider will have an unannounced inspection to assess compliance with all requirements. Before this inspection, the provider will be contacted and asked the days and times he/she is providing child care. When noncompliance to any requirement is found during this inspection, the provider will be given a date to come into compliance with the requirement(s). The approval will be deactivated when:
   a) The provider does not contact the licensor with the days and times he/she is providing child care.
   b) The provider is not there for the inspection. (Several attempts will be made to complete the inspection.)
   c) The provider does not show compliance with the requirement(s) by the required date.

3) Before the expiration date of the approval, the provider will have an announced inspection to assess compliance with the requirements. When noncompliance to any requirement is found during this inspection, the provider will be given a date to come into compliance with the requirement(s). The approval will be deactivated when:
   a) The provider is not there for the inspection.
   b) The provider does not show compliance with the requirement(s) by the required date.

4) When there are concerns with compliance, the providers will have an unannounced inspection to assess compliance with the requirements. When noncompliance to any requirement is found during this inspection, the provider will be given a date to come into compliance with the requirement(s). When the provider does not show compliance with requirements by the required date, the approval will be deactivated.

**Appeal Rights**

Providers can appeal any action taken by the Child Care Licensing staff by submitting a Child Care Licensing Appeal Request Form. The form is submitted through the Child Care Licensing Portal.
Health and Safety Requirements

1) Providers
   a) Providers must:
      i) be at least 18 years old; and
      ii) have knowledge of and comply with all applicable federal, state, and local laws and rules, including fire
          requirements.
   b) Providers can only live in the same home as the child(ren) in care for payment when one or more of the children
      have special needs. When care is in the home of the provider, a parent of the child(ren) in care for payment cannot
      live in that home.
   c) Providers cannot be siblings who live in the same home as the children in care for payment.
   d) Providers cannot be parents, specified relatives, or legal guardians of the children in care for payment. This
      includes divorced spouses, step-parents, spouses of specified relatives, and spouses of legal guardians.
   e) Providers cannot provide care when there is a parent of the child(ren) in the home, including when a DWS customer
      works from home.
   f) In an unforeseen emergency and for up to 24 hours, the provider may use an emergency provider for the children in
      care. The emergency provider must be at least 18 years old and cannot have a felony or misdemeanor conviction
      or a substantiated case of abuse or neglect.
   g) Providers must have and follow a Health and Safety Plan that is on the Department form that is approved by Child
      Care Licensing staff.
   h) At least 30 calendar days before the expiration date of their approval, providers must complete and document at
      least 5 hours of ongoing child care training.
      i) The training must include at least the following topics:
          (1) recognizing the signs and symptoms of child abuse and neglect and the legal reporting requirements of
              suspected child abuse and neglect;
          (2) recognizing the signs of homelessness and what assistance is available;
          (3) the prevention of Sudden Infant Death Syndrome and safe sleeping practices;
          (4) the prevention of Shaken Baby Syndrome and Abusive Head Trauma;
          (5) a review and, when needed, update of the Health and Safety Plan; and
          (6) a review of the Health and Safety Requirements.
      ii) The documentation of the training must include:
          (1) the date of the training;
          (2) the training topic; and
          (3) the length of the training.
   i) When caring for children with special needs, providers must make any necessary accommodations to meet their
      needs.
2) Background Checks
   a) All Covered Individuals must pass Child Care Licensing background checks and be associated with the provider’s facility. Providers must submit background check forms, required fingerprints, and required fees for new Covered Individuals. Covered Individuals will not pass background checks when they have any of the following:
      i) any felony conviction,
      ii) any Class A misdemeanor conviction within the last 10 years,
      iii) certain Class A misdemeanor convictions older than 10 years,
      iv) certain Class B and Class C misdemeanor convictions such as:
         (1) public assistance or unemployment fraud,
         (2) offenses against the family,
         (3) offenses against a person,
         (4) pornography,
         (5) prostitution or any type of sexual offense,
         (6) simple assault,
         (7) domestic violence,
         (8) lewdness,
         (9) child abuse, and
         (10) contribution to the delinquency of a minor.
      v) any supported finding of child abuse or neglect as determined by DCFS,
      vi) a pending indictment, a plea of no contest to, a plea in abeyance, or a diversion agreement to any charges whose conviction would result in the Covered Individual not passing,
      vii) a juvenile record comparable to anything that would result in the Covered Individual not passing if on an adult record, or
      viii) a registered sex offender in the home.
   b) Before moving in the home, new Covered Individuals must pass a Child Care Licensing background check.
   c) Before arriving at the home, Covered Individuals staying in the home for more than 2 weeks must pass a Child Care Licensing background check.
   d) The provider must submit Background Check forms for children who live in the home where care is provided when the children turn 12 years old. These forms must be submitted within 10 working days of the children’s 12th birthday.
   e) The provider must submit another Background Check form, fingerprints, and the fingerprint processing fee when a child who lives in the home where care is provided turns 18 years old. These must be submitted within 10 working days of their 18th birthday.
   f) Individuals who failed to pass the background check may not be on the premises of the home where care is provided.
3) **Children in Care** – Children in care are all children younger than 13 years old, including the provider's children and any children who are in the home when care is provided.
   a) When care is in the home of the provider:
      i) When the children in care are all siblings who are related to the provider and there are no other children in care, there is no limit to the number of children in care.
      ii) When there are children in care who are not siblings who are related to the provider, there can be no more than 8 children in care and no more than 2 of those children can be younger than 2 years old. When there are more than 4 children in care who are not related to the provider, the provider must (by statute) have a Child Care Family License or Residential Certificate.
   b) When care is in the home of the child(ren) in care, only the child(ren) living in the home can be in care, and:
      i) When the children in care are all siblings and there are no other children in care, there is no limit to the number of children in care.
      ii) When there are children in care who are not siblings, there can be no more than 8 children in care and no more than 2 of those children can be younger than 2 years old.

4) **Supervision**
   a) The provider, not other individuals in the home or outdoor area, must be awake, physically onsite, and actively supervising children in care at all times. Actively supervising children in care means being inside the home when children in care are inside the home, being outside when children in care younger than 5 years old are outside, knowing the number of children in care at all times, and focusing on the children and not on personal interests.
   b) The provider, not other individuals in the home or outdoor area, must supervise sleeping infants by:
      i) having the infants sleep in a location where they are within sight and hearing of the provider or
      ii) an in-person observation of the sleeping infants at least once every 15 minutes.
   c) When a wading pool is used by children in care, the provider, not other individuals in the home or outdoor area, must be at the pool supervising the children in care whenever there is water in the pool.
   d) When there is a swimming pool that is not emptied after each use on the premises, the provider, not other individuals in the home or outdoor area, must be at the pool supervising children in care whenever they are using the pool or have access to the pool.
   e) When there is a trampoline on the premises, the provider, not other individuals in the home or outdoor area, must be next to the trampoline supervising the children in care whenever the children in care are on the trampoline.
5) Child Safety and Injury Prevention
   a) The provider must take all reasonable measures to protect the safety of children in care and must not engage in or allow conduct that unreasonably endangers children in care or is adverse to the health, morals, welfare, and safety of children in care.
   b) The home, outdoor play area, toys, and equipment must be maintained in a safe manner to prevent injury to children in care. This includes the proper handling and storage of hazardous materials and bio-contaminants disposal.
   c) The provider must have a working telephone.
   d) The provider must have a working fire extinguisher.
   e) The provider must have a working smoke detector on each floor of the home.
   f) When there are firearms on the premises, the firearms cannot be loaded and must be in a cabinet, safe, or area that is locked with a key, combination, or fingerprint lock, unless their use is in accordance with the Utah Concealed Weapons Act or as otherwise allowed by law.
   g) When there are infants in care:
      i) The provider must ensure that infants sleep in equipment designed for sleep, such as a crib, bassinet, portacrib, or playpen unless the provider has written instructions from the parent to have the infant sleep in other equipment. Equipment designed for sleep does not include mats, cots, bouncers, swings, or car seats.
      ii) The provider must place infants on their backs for sleeping, unless the provider has written instructions from a health care provider for a different sleep position.
   h) The following must be inaccessible:
      i) prescription medications, over the counter medications, vitamins, and herbal supplements;
      ii) empty refrigerators and freezers;
      iii) exposed live electrical wires;
      iv) open containers of alcohol;
      v) illegal substances;
      vi) when in use, portable space heaters, fireplaces, and wood burning stoves;
      vii) toxic substances;
      viii) poisonous plants; and
      ix) open flames.
   i) There can be no accessible animal that has a history of dangerous, attacking, or aggressive behavior.
   j) When there is an outdoor area used by children in care:
      i) The following must be inaccessible:
         (1) unanchored swings and large metal slides,
         (2) raised decks or balconies and open stairwells 5 feet or higher without protective barriers or with protective barriers with gaps greater than 5 by 5 inches,
         (3) motor vehicles on blocks, and
         (4) rebar or metal rods less than 36 inches long sticking up from the ground or out of walls.
      ii) Stationary play equipment accessible to children in care cannot be over hard surfaces such as cement or asphalt.
   k) The provider must ensure that children in care are protected from unintended access to:
      i) pools that are not emptied after each use;
      ii) hot tubs with water in them;
      iii) water hazards such as ponds, streams and fountains with more than 2 inches of water in them; and
      iv) vehicular traffic.
   l) While transporting children in care, the provider must:
      i) ensure that children in care are wearing appropriate individual safety restraints;
      ii) never leave the children in care unattended in the vehicle; and
      iii) not be intoxicated or impaired.
6) Child Health
   a) There must be a clean and sanitary environment for the children in care.
   b) There must be a flushing toilet and a working hand washing sink accessible to non-diapered children in care.
   c) The provider must ensure that children in care are not subjected to physical, emotional, or sexual abuse while in care.
   d) The provider must follow the reporting requirements for the witnessing or suspicion of abuse, neglect, and exploitation found in Section 62A-4a-403 and 62A of the Utah Code.
   e) The provider must not do any of the following to children in care:
      i) use any form of corporal punishment that produces pain or discomfort such as hitting, spanking, shaking, biting, or pinching;
      ii) restrain their movement by binding, tying, or other form of restraint;
      iii) shout at them;
      iv) inflict any form of emotional abuse;
      v) force or withhold food, rest, or toileting; or
      vi) confine them in a closet, locked room, or other enclosure such as a box, cupboard, or cage.
   f) To prevent and control infectious diseases, providers and children in care must wash their hands thoroughly with liquid soap and warm running water:
      i) before handling and/or preparing food;
      ii) before serving and/or eating meals and snacks;
      iii) after using the toilet;
      iv) before administering and/or taking medication;
      v) after coming into contact with body fluids (blood, urine, feces, vomit, mucous, and saliva);
      vi) after playing with or handling animals; and
      vii) after cleaning and/or taking out garbage.
   g) Providers must meet the nutritional needs of the children in care.
   h) Providers must ensure the children in care have enough physical activity.

7) Parents
   a) Providers must ensure parents have access to all areas of the home used for care.
   b) Providers must ensure parents are aware that they:
      i) take children in care off the premises, such as to run errands or go to a park; and/or
      ii) allow children in care to leave the premises, such as to go to a neighbor’s house or ride their bikes on the street.
   c) Providers must have parents inform them of any known food allergies of children in care.
   d) Providers must have permission from parents before administering medication to children in care.
8) Notifications and Reportable Changes
   a) In the case of a life threatening incident or injury or an incident or injury that poses a threat of the loss of vision, hearing, or a limb, the provider must contact emergency personnel immediately and before contacting the parent.
   b) The provider must report any allergic reaction to a food, any adverse reaction to a medication, or any error in the administration of a medication, to the parent immediately upon recognizing the error or reaction.
   c) Within 24 hours of its occurrence, the provider must notify the Department of Health, Child Care Licensing staff of any fatality, hospitalization, emergency medical response, or injury that requires attention from a health care provider, except for emergency medical transport that was part of the child’s medical treatment plan. The provider must submit documentation of the incident to the Child Care Licensing staff within five working days of the incident.
   d) Within 48 hours of becoming aware of the conviction, the provider must notify the Department of Health, Child Care Licensing Staff of any felony or misdemeanor conviction of a Covered Individual.
   e) Within 10 calendar days of the change, the provider must notify the Department of Health, Child Care Licensing staff of changes in any of the following:
      i) his/her name;
      ii) his/her telephone number or email address;
      iii) his/her child care schedule;
      iv) the number of children of DWS customers in care; and/or
      v) the DWS customer(s) whose child(ren) are in care and their DWS case number(s).
   f) By the last day of care at the present address, the provider must notify the Department of Health, Child Care Licensing staff of changes of location by submitting an Child Care Licensing Application for the new location.

9) Emergency Preparedness
   a) The provider must have current Red Cross, American Heart Association, or equivalent certification in First Aid.
   b) The provider must have current Red Cross, American Heart Association, or equivalent certification in infant and child CPR from a class that included hands-on testing.
   c) The provider must have and follow, when needed, an emergency preparedness and response plan that is reviewed annually and updated when needed. (This is part of the Health and Safety Plan.)
   d) The provider must conduct fire evacuation drills at least quarterly and document the date and time of each drill.
   e) The provider must conduct disaster (other than fire) drills at least yearly and document the date and time of each drill.

10) Documentation
   a) The provider must keep the following records at the home where care is being provided and available for review by Department of Health, Child Care Licensing staff:
      i) current First Aid and CPR certifications,
      ii) a three-year record of the dates and times each child was in care,
      iii) documentation of current immunizations for each child in care who does not attend school (children who are homeless may have a 90 day exemption),
      iv) the Health and Safety Plan on the Department form,
      v) documentation of fire and disaster drills, and
      vi) documentation of ongoing child care training.
Definitions

1) “Children in Care” are those children for whom the provider receives direct or indirect compensation for their care and all other children younger than 13 years old who are in the home when care is provided.

2) “Covered Individual” means:
   a) When care is being provided in the home of the provider: Everyone 12 years old and older who lives (stays continuously for 2 weeks or longer) in the same home as the provider.
   b) When care is being provided in the home of the child(ren) in care: Everyone 12 years old and older who lives (stays continuously for 2 weeks or longer) in the same home as the child(ren) in care, except the parents or guardians, requesting DWS child care assistance and siblings younger than 18 years old.

3) “Emotional abuse” means behavior that could impair a child’s emotional development, such as threatening, intimidating, humiliating, or demeaning a child, constant criticism, rejection, profane language, and inappropriate physical restraint.

4) “Health care provider” means a licensed professional with prescriptive authority, such as a physician, nurse practitioner, or physician’s assistant.

5) “Inaccessible” means:
   a) locked, such as in a locked room, cupboard, or drawer;
   b) secured with a child safety device, such as a child safety cupboard lock or doorknob device;
   c) behind a properly secured child safety gate;
   d) located in a cupboard or on a shelf at least 36 inches above the floor; or
   e) located in a bathroom cupboard or on a bathroom shelf at least 36 inches above a surface on which a child could stand or climb.

6) “Infant” means a child age birth through 11 months.

7) “Living in the same home” means the person:
   a) shares any of the following with the provider:
      i) a kitchen
      ii) a bathroom
      iii) a living area (the living room and/or bedroom)
      iv) an entrance
         1) The person shares the entrance when, for example, he/she must walk through the living room to access the stairs to his/her basement apartment.
         2) The person has a separate entrance when, for example, he/she uses a common door from the outside but can assess the stairs to his/her basement apartment without going through any area of the main home and there is not an interior doorway (inside the home) between the living areas.
      v) an address – the person does not have a separate residential/physical address recognized by the post office (a PO Box is not a separate mailing address; or
   b) lives in a separate structure with running water and electricity that is on the same property as the provider (such as an apartment over the garage or a camper in the yard) but shares the kitchen and/or bathroom with the provider; or
   c) could have unsupervised contact with the children in care.

8) “Parent” means the parent or legal guardian of a child in care.

9) “Provider” means the person approved to provide child care.

10) “Related children” mean the children for whom the provider is the parent, legal guardian, stepparent, grandparent, stepgrandparent, great grandparent, sibling, halfsibling, stepsibling, aunt, step aunt, great aunt, uncle, step uncle, or great uncle.

11) “School age” means 5 years old and older.

12) “Sexual abuse” means abuse as described in Utah Code, Section 76-5-404-1.

13) “Stationary play equipment” means equipment such as a climber, slide, swing, merry-go-round, or spring rocker, which is meant to stay in one location when in use.