

## I. CHAPTER OVERVIEW

If child care providers operating centers and homes do not adhere to licensing requirements, the Division of Child Development (DCD) implements corrective action procedures. This chapter briefly describes how DCD handles complaints, conducts investigations, and determines administrative actions for those providers not in compliance with licensing regulations. Basic information about administrative actions against individual providers can be found on the DCD website at <http://.ncchildcare.dhhs.state.nc.us/>.

## II. REPORTING COMPLAINTS

A complaint against a child care facility may be made by anyone, including anonymous sources. Staff from the DSS may accept complaints about child care programs but should forward these reports orally or in writing to the Regulatory Services Section of DCD. The complainant may call, write, or deliver the complaint in person to any staff member at DCD. Reports can be made to the Division by telephone by calling 1-800-859-0829. The details of the complaint are documented, which begins the investigation procedure. Regardless of the administrative action taken, DCD has authority to permanently remove any adult perpetrator from the child care facility where abuse or neglect has been substantiated.

## III. RESPONSE TO COMPLAINTS

### A. Illegal Unlicensed Arrangements

Sometimes complaints are reported about child care arrangements that are operating illegally, i.e., they are not licensed to operate a child care arrangement as required by the child care law. The Regulatory Services Section Licensing Consultant for that area makes a visit. If the Regulatory Services Section Licensing Consultant does find more children in care than allowed, the operator/provider is informed of the law and the requirements for licensing or obtaining a [Notice of Compliance](#) (in the case of [religious-sponsored programs](#) who do not wish to receive a license). The Regulatory Services Section Licensing Consultant explains that the operator/provider must be in compliance with the requirements in order to operate legally.

The Regulatory Services Section Licensing Consultant discusses with the provider the options available for complying with the law. Those options are to:

1. Become a licensed provider;
2. Care for no more than two (2) unrelated children;
3. Provide care for less than four (4) hours per day; or

## NONCOMPLIANCE WITH LICENSING REQUIREMENTS

10/01/02

4. Only care for children who are related to the provider.

If the Regulatory Services Section Licensing Consultant finds there are children in the illegal arrangement who are receiving subsidy services the consultant will notify the county department of social services.

### B. Regulated Facilities

When DCD receives a complaint about a child care facility, the complaint is referred to the appropriate Regulatory Services Section Licensing Consultant assigned to the area in which the facility is located. The Regulatory Services Section Licensing Consultant will investigate the complaint, determine whether to substantiate it, and work with the provider to address noncompliance items determined during the investigation. The Regulatory Services Section Licensing Consultant may need to involve other agencies in the investigation.

## IV. PENALTIES FOR NONCOMPLIANCE

Generally, when violations of child care requirements are found, the Regulatory Services Section Licensing Consultant allows the program a reasonable time to make corrections. There are several types of [administrative actions](#) and civil penalties that may be imposed on a program that does not meet the requirements.

**NOTE:** The following penalties described in this section also apply to religious-sponsored child care programs operating under G. S. 110-106. While these programs receive a Notice of Compliance instead of a license, DCD may impose any of these administrative actions for noncompliance with the licensing regulations that apply to them.

### A. Administrative Actions

1. A **Written Reprimand**, the least severe of the administrative actions, may be issued when a licensing requirement is violated, but it is unlikely to happen again. A corrective action plan is not included and follow-up visits are not required.
2. A **Written Warning** may be issued for a substantiation of child abuse/neglect and/or violations of child care requirements. Accompanying the warning is a corrective action plan which is developed to correct problems that were identified. For example, a staff member who improperly disciplined a child may be required to complete a course on appropriate behavior management techniques.

The issuance of a written warning requires at least one on-site visit by a representative of DCD after the written warning is issued. If the corrective action plan is not completed, DCD may assess a civil