

CHAPTER THREE—PROCEDURES

Licensing/Approvals

SC Statute – Section 63-13-410 Application of the law; private centers and homes.

No person, corporation, partnership, voluntary association, or other organization may operate a private child care center or group child care home unless licensed to do so by the department.

SC Statute – Section 63-13-210 Notice to parents that childcare business does not carry liability insurance.

(A) An owner or operator of a childcare center, group childcare home, or family childcare home, as defined by Section 63-13-20, who does not carry liability insurance for the operation of his childcare business, shall, by no later than January 1, 2009, obtain signed statements from the custodial parent or parents or guardian or guardians of each child currently enrolled in the childcare center, group childcare home, or family childcare home indicating that the parent or parents or guardian or guardians have received notice that the childcare center, group childcare home, or family childcare home does not carry liability insurance for the operation of its childcare business. The owner or operator of a childcare center, group childcare home, or family childcare home must maintain a file of these signed statements at the home during the period of time a child is enrolled. For new enrollees to a childcare center, group childcare home, or family childcare home, the owner or operator must provide the parent or parents or guardian or guardians of a new enrollee with this information at the time of enrollment, obtain a signed statement from each parent or guardian at the time of enrollment, and maintain these signed statements at the home during the period of time a child is enrolled.

(B) If an owner or operator of a childcare center, group childcare home, or family childcare home, as defined by Section 63-13-20, has liability insurance for the operation of his childcare business that lapses or is canceled and not reinstated or replaced, the owner or operator shall obtain and maintain statements in accordance with subsection (A) from the custodial parent or parents or guardian or guardians of each child enrolled in the childcare center, group childcare home, or family childcare home no later than thirty days after the liability insurance lapses or is canceled.

(C) The department shall send a letter to each childcare center, group childcare home, and family childcare home licensed or registered as of June 30, 2008, with the department informing each home of the requirements of subsections (A) and (B), that each home must comply with these requirements by no later than January 1, 2009, and that compliance is a requirement for initial licensure and a continuing annual requirement for relicensure. For childcare centers, group childcare homes, and family childcare homes licensed or registered after June 30, 2008, the department shall provide the information contained in subsections (A) and (B) at the time the childcare center, group childcare home, or family childcare home applies for a license or registration.

POLICY: All child care facilities shall be asked to provide proof of liability insurance. If a facility does not have insurance coverage, they shall be informed of the requirement to give proper notification to parents of enrolled children. (1/29/09 revised 2/27/12)

**SC Statute – 63-13-610.
Application of the law; public centers and homes.**

Every operator or potential operator of a public childcare center or group childcare home must apply to the department for an investigation and a statement of standard conformity or approval, except those facilities designated in Section 63-13-20.

114-502 A.(1) Any person, corporation, partnership, voluntary association, or other organization, whether private or public, may secure information about the licensing/approval process by contacting staff of the State or Regional Child Care Licensing Office.

POLICY: Any new prospective child care provider will be offered a formal orientation session by Child Care Licensing and Regulatory Services. This session will be consistent throughout the state and shall include instructions on zoning. SEE RESOURCE MANUAL SECTION 3 FOR PROVIDER ORIENTATION INSTRUCTION BOOKLET. (1/31/06)

**SC Statute 63-13-420. A. & F.
Licensure Requirements; private centers and group child care homes**

- A. Application for license must be made on forms supplied by the department and in the manner it prescribes.**
- F. Application forms for licenses issued under this section must include, at the top of the form in large bold type, a statement indicating that a person who has been convicted of a crime enumerated in subsection (E) who applies for a license as an operator is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than one year, or both.**

**SC Statute 63-13-620. A., E., F.
Statement of approval requirements; public centers and group child care homes.**

- (A) Application for a statement of standard conformity or approval must be made on forms supplied by the department and in the manner it prescribes.**
- (E) Application forms for a statement of standard conformity or approval issued under this section must include, at the top of the form in large bold type, a statement indicating that a person who has been convicted of a crime enumerated in subsection (D) who applies for approval is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than one year, or both.**
- (F) Application forms for a statement of standard conformity or approval issued under this chapter by the department and application forms for employment at individual public childcare centers or group childcare homes must include, at**

the top of the form in large bold type, a statement indicating that a person who has been convicted of one of the crimes listed in this section who applies for a license as operator, applies for employment with, is employed by, seeks to provide caregiver services with, or is a caregiver at a facility is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than one year, or both.

- 114-502 A.(2) An application for a license/approval shall be completed on appropriate Department forms and shall be signed by the director. The Department representative shall provide the applicant with the required number of forms, a copy of current child care center regulations, a copy of Section 63-13-10 et seq., Code of Laws of South Carolina (1976), (Child Care Statute) and a copy of Sections of the Children's Code related to child abuse and neglect with an explanation of procedures and information required by the Department. The Department representative shall request in writing that health and fire officials make inspections of the facility. **SEE RESOURCE MANUAL SECTION 3 FOR STATE FIRE MARSHAL REGULATION INFORMATION.**

PROCEDURE: NEW FACILITIES

Prior to the Inspection

1. **Applicant receives packet at orientation or by mail**
2. **Applicant submits completed application, fire and DHEC inspection requests, and zoning approval**
3. **Information regarding applicant is entered into the DSS system**
4. **The Regulatory Specialist submits the fire inspection request via Internet and DHEC inspection request via courier (with \$60 check)**
5. **Upon receipt of the completed fire and DHEC inspections, schedule provisional evaluation with the provider.**

During the Inspection for the PROVISIONAL STUDY

1. **Collect the following:**
 - **Information on the director and two qualified caregivers**
 - **Three letters of reference for the director**
 - **Facility policies**
 - **Staff list**
 - **DSS Form 2924 for all employees with appropriate payment**
 - **Copies of CPR/First Aid certifications**
2. **Obtain director's signature on required paperwork; ensure all forms are completed correctly**
3. **Ensure that fingerprint cards have been mailed to DSS Office of Investigations.**
4. **Complete DSS Form 2910A with the Director.**
5. **Regulatory Specialist measures facility and playground and counts number of toilets and sinks with hot and cold running water to determine capacity.**
6. **If facility has pending deficiencies, leave a copy of the DSS Form 2942 with director noting such deficiencies**

Following the Inspection

1. **Contact references and verify director's qualifications.**

2. Complete Calform (measurement calculation form) to determine the number of children allowed on the license
3. Complete Supervisory Review Checklist, attach cover sheet, and submit file to supervisor with recommendation for Provisional License
4. The Regional Supervisor will issue a Provisional License, the Provisional License is printed and mailed to provider. A copy is placed in file. Document the date the Provisional License was sent to the provider in the dictation section of the file.
5. Once Provisional License is received, facility may begin to operate. The Regulatory Specialist will schedule visit to complete Full Evaluation Study.

During the Inspection visit for a FULL EVALUATION STUDY

1. Conduct visit to the facility to initiate the Full Evaluation Study.
2. Obtain new staff list and children's list. Verify compliance on all new staff and a percentage of children's file by reviewing records (Do not review records at Registered Churches).
3. Obtain required documents and forms for DSS file, as indicated in the Application Review Checklist.
4. Verify cited deficiencies from Provisional Study, if necessary. Observe ratios during inspection of facility.
5. Complete DSS Form 2910B with the Director.
6. Inspect facility and outdoor playground area. If deficiencies exist, complete DSS Form 2942 and follow up as needed.

After the Inspection Visit for a FULL EVALUATION STUDY

1. Complete Supervisory Review Checklist, attach cover sheet, and submit file to supervisor with recommendation for Regular License.
 - If deficiencies cited, enter deficiencies on Deficiency Form and submit to supervisor with recommendation for Provisional License.
 - Once the deficiencies have been corrected, submit a request to amend the license to a regular status.
 - If no deficiencies, submit information to supervisor with recommendation for Regular License
2. The License is printed and mailed to provider; a copy of License is placed in file. Document the date the License was sent to the provider in the dictation section of the file.

**SC Statute – Section 63-13-90.
Proof of conformity to zoning.**

At the time of initial licensing, approval, or registration, a child care facility must provide proof of conformity or authorized nonconformity with county or municipal zoning ordinances or resolutions. The department may impose conditions on the license, approval, or registration consistent with restrictions imposed by zoning authorities.

SC Statute – Section 63-13-420.(B)(E)(G)(H)
Issuance of license; private centers and group child care homes.

- (B)** Before issuing a license the department shall conduct an investigation of the applicant and the proposed plan of care for children and for operating a private child care center or group child care home. If the results of the investigation verify that the provisions of this chapter and the applicable regulations promulgated by the department are satisfied, a license must be issued. The applicant shall cooperate with the investigation and related inspections by providing access to the physical plant, records, excluding financial records, and staff. Failure to comply with the regulations promulgated by the department within the time period specified in this chapter, if adequate notification of deficiencies has been made, is a ground for denial of application. The investigation and inspections may involve consideration of any facts, conditions, or circumstances relevant to the operation of the child care center or group child care home, including references and other information about the character and quality of the personnel.
- (E)** No license may be issued to an operator who has been convicted of:
- (1)** a crime listed in Chapter 3 of Title 16, Offenses Against the Person;
 - (2)** a crime listed in Chapter 15 of Title 16, Offenses Against Morality and Decency;
 - (3)** the crime of contributing to the delinquency of a minor, contained in Section 16-17-490;
 - (4)** the felonies classified in Section 16-1-10(A);
 - (5)** the offenses enumerated in Section 16-1-10(D); or
 - (6)** a criminal offense similar in nature to the crimes listed in this subsection committed in other jurisdictions or under federal law.
- (G)** A person applying for a license as an operator under this section shall undergo a state fingerprint review to be conducted by the State Law Enforcement Division to determine any state criminal history and a fingerprint review to be conducted by the Federal Bureau of Investigation to determine any other criminal history. The fingerprint reviews required by this subsection are not required upon each renewal.
- (H)** A person applying for a license as an operator under this section or seeking employment or seeking to provide caregiver services at a facility licensed under this section shall undergo a state fingerprint review to be conducted by the State Law Enforcement Division to determine any state criminal history and a fingerprint review to be conducted by the Federal Bureau of Investigation to determine any other criminal history. The fingerprint reviews required by this subsection are not required upon each renewal unless the renewal coincides with employment of a new operator, employee, or caregiver.

SC Statute 63-13-620. B.,C.,D.
Issuance of statement of approval; public centers and group homes.

- (B) Before issuing approval the department shall conduct an investigation of the applicant and the proposed plan of care for children and for operating a public childcare center or group childcare home. If the results of the investigation verify that the provisions of the subarticle and the applicable regulations promulgated by the department are satisfied, approval must be issued. The applicant shall cooperate with the investigation and inspections by providing access to the physical plant, records, and staff. The investigation and related inspections may involve consideration of any facts, conditions, or circumstances relevant to the operation of the childcare center or group childcare home, including references and other information about the character and quality of the personnel. If the childcare center or group childcare home fails to comply with the regulations promulgated by the department within the time period specified in this subarticle, if adequate notification regarding deficiencies has been given, the appropriate public officials of the state and local government must be notified.
- (C) A person applying for approval under this section shall undergo a state fingerprint review to be conducted by the State Law Enforcement Division to determine any state criminal history and a fingerprint review to be conducted by the Federal Bureau of Investigation to determine any other criminal history. The fingerprint reviews required by this subsection are not required upon each renewal.
- (D) No approval may be granted under this section if the person applying for approval or the operator, an employee, or a caregiver of the facility has been convicted of:
- (1) a crime listed in Chapter 3 of Title 16, Offenses Against the Person;
 - (2) a crime listed in Chapter 15 of Title 16, Offenses Against Morality and Decency;
 - (3) the crime of contributing to the delinquency of a minor, contained in Section 16-17-490;
 - (4) the felonies classified in Section 16-1-10(A);
 - (5) the offenses enumerated in Section 16-1-10(D); or
 - (6) a criminal offense similar in nature to the crimes listed in this subsection committed in other jurisdictions or under federal law.

SC Statute 63-13-80.b.

Investigations and inspections by Department of Social Services

Before issuing a license or approval the department shall conduct an investigation of the applicant and the proposed plan of care for children and for operating a child care center or a group child care home. If the results of the investigation satisfy the department that the provisions of this subarticle and the applicable regulations promulgated by the department are satisfied, a license or approval must be issued.

- 114-502 A.(3) After giving the applicant at least two working days notice, Department staff shall arrange a licensing/approval study during an on-site visit to the proposed facility for determining compliance with applicable regulations.

114-502 A.(4) Health and fire officials shall inspect the facility to determine compliance with appropriate regulations and shall put in writing on appropriate forms the results of their inspections.

POLICY: A license will not be issued to a new facility without a clear fire inspection report (no deficiencies) unless there is an exception that the Fire Marshal has indicated on the report which gives the facility approval to occupy. (11/1/06)

PROCEDURE: Fire Inspections

New Child Care Facility

- 1. Fire inspection report received by Regulatory Specialist and reviewed.**
- 2. If no deficiencies are cited, proceed with licensing process.**
- 3. If deficiencies are cited, a license will not be issued until all deficiencies are cleared.**
- 4. Upon receipt of clear fire inspection report, Regulatory Specialist will proceed with licensing process.**

Existing Child Care Facility

- 1. Fire inspection report received by Regulatory Specialist and reviewed.**
- 2. If no deficiencies are cited, proceed with renewal process.**
- 3. If deficiencies are cited, a Provisional License may be issued which allows correction of deficiencies within the timeframe stated by the Fire Marshal.**
- 4. Upon receipt of a clear fire inspection report, Regulatory Specialist will request a Regular License. (11/1/06)**

114-502 A.(5) The Department shall review the completed application form, completed licensing/approval inspection report, completed health and fire inspection reports, current child abuse and criminal history background records checks, written policies and other information specified by the Department to make a determination of issuance or non-issuance of a license/approval and shall take one of the following actions:

- (a) Issue a regular license/regular approval if all the provisions of the regulations and statute for the operation of a child care center have been met;
- (b) Issue a provisional license/provisional approval with an accompanying correction notice if one or more violations have been cited which do not seriously threaten the health, safety or well-being of children; or
- (c) Deny the issuance of a license/approval if one or more violations seriously threaten the health, safety, or well being of the children.

POLICY: Prior to the original license being issued, there must be at least one staff person who is certified in pediatric first aid/CPR. (1/31/06)

POLICY: An individual or individuals may possess more than one regulatory permit, provided that they are in compliance with the requirements for each type of permit. For instance, a Family Child Care Home operator may have a license to operate one or more Child Care Centers but may not have a registration for a second Family Child Care Home or a license for a Group Child Care Home 7/30/09.

SC Statute – Section 63-13-420.(D)
Application of the law; private centers and homes.

Failure of department, except as provided in Section 63-13-200, to approve or deny an application within ninety days results in the granting of a provisional license.

114-502 A.(6) Failure of Department staff, except as provided by statute, to approve or deny any complete application within ninety days shall result in the granting of a provisional license/provisional approval.

POLICY: Staff shall process all paperwork and issue the license within 90 days of receiving the last required paperwork. If processing exceeds 90 days, the license must be issued by default, as per statute. (1/31/06)

114-502 A.(7) If a license/approval is issued, the Department staff shall mail the license/approval directly to the director.

SC Statute – Section 63-13-420.(C)
Application of the law; private centers and homes.

Each license must be conditioned by stating clearly the name and address of the license, the address of the child care center or group child care home, and the number of children who may be served.

114-502 A.(8) The license/approval shall state clearly the name of the director, the address and type of child care facility, the date on which the license/approval was issued and will expire, and the maximum number of children to be present in the center at any one time.

114-502 A.(9) Department staff shall notify the director as follows if a provisional license/provisional approval is issued or an application for a license/approval is denied:

(a) If a provisional license/provisional approval is issued, the Department shall notify the director in writing of violations to be corrected. The violations shall be cited by regulation number and shall include a form issued by the Department for the director to complete a written plan to correct each violation as approved by the Department;

SC Statute 63-13-460. a.,c.,d.
Notice of license denial, nonrenewal, etc.; hearings; appeals.

a. **An applicant who has been denied a license by the department must be given prompt written notice by certified or registered mail. The notice shall indicate the reasons for the proposed action and shall inform the applicant of the right to appeal the decision to the director in writing within thirty days after the receipt of notice of denial. An appeal from the final decision of the director may be taken to an administrative law judge pursuant to the Administrative Procedures Act.**

114-502 A.(9)(b) If a license/approval is denied, the Department shall give the applicant written notice by certified mail indicating the reason(s) for the denial.

PROCEDURE: NEGATIVE SANCTIONS (Also refer to Chapter 15 – Negative Action Procedure)

The Department has the authority to initiate negative sanctions. Negative sanctions include the denial of any application or the revocation, suspension or withdrawal of a license or registration. Written notification will be sent by certified mail to the Applicant, Director or Operator outlining reasons for the proposed action.

1. Upon receipt of the Return Receipt Card (green card) in the Regional Office, the Regulatory Specialist will document in the activity log the date the certified letter was received.

The Applicant, Director or Operator has the right to request, in writing, an appeal within 30 days after receipt of the notice of denying the application or suspending or withdrawing the license or registration. Persons can also request a review meeting to discuss denials, withdrawals or revocations.

2. The Regulatory Specialist will note on his/her calendar 30 days from the date the written notification was received to verify closure or appeal request.
3. After 30 days, if no appeal has been requested, the Regulatory Specialist will conduct an unannounced visit to verify closure.

If the facility is found to be operating, staff with General Counsel and Central Office to seek an injunction. Regional staff and supervisor should work through the Central Office to arrange time to staff with General Counsel's Office.

If an appeal has been scheduled, document the date in calendar. Staff the case with the Central Office and General Counsel. Then participate in the hearing.

4. During the Appeals Process, the monitoring of the facility is at the discretion of the General Counsel. (11/1/06)

- c. At the hearing provided for in this section, the applicant or licensee may be represented by counsel and has the right to call, examine, and cross-examine witnesses and to otherwise introduce evidence. Parents appearing at the hearing may also be represented by counsel. The hearing examiner is empowered to require the presence of witnesses and evidence by subpoena on behalf of the appellant or department. The final decision of the department must be in writing, must contain the department's findings of fact and rulings of law, and must be

mailed to the parties to the proceedings by certified or registered mail to their last known addresses as may be shown in the application, or otherwise. A full and complete record must be kept of all proceedings, and all testimony must be reported but need not be transcribed unless the department's decision is appealed, or a transcript is requested by an interested party. Upon an appeal, the department shall furnish to any appellant, free of charges, a certified copy of the transcript of all evidentiary proceedings before it. Other parties shall pay the cost of transcripts prepared at their request.

- d. The decision of the department is final unless appealed by a party to an administrative law judge pursuant to the Administrative Procedures Act.

**SC Statute – Section 63-13-160.(1)(2)(3)
Injunction sought by Department of Social Services**

The department is empowered to seek an injunction against the continuing operation of a child care facility in the family court having jurisdiction over the county in which the facility is located:

- (1) when a facility is operating without a license or statement of registration;
- (2) when there is any violation of this subarticle or of the regulations promulgated by the department which threatens serious harm of children in the childcare facility;
- (3) when an operator has repeatedly violated this subarticle or the regulations of the department.

114-502 A.(10) If a facility is found to be in operation after the Department has denied the application for the license/approval and the administrative appeal/review procedure has been completed, the Department shall notify the Department's Office of General Counsel.

Provisions of the License/Approval

SC Statute 63-13-100.

Provisional registration, provisional license or provisional approval by Department of Social Services.

- a. The department has power to issue a provisional registration, provisional license, or provisional approval only when the department is satisfied that (1) the regulations can and will be met within a reasonable time, and (2) the deviations do not seriously threaten the health or safety of the children. A provisional registration, provisional license, or provisional approval, may be extended for a period as may be determined by the department.
- b. Except as noted in subsection c. of this section, no provisional license or provisional approval may be issued effective for any longer than one year.

- c. **Any facility granted a license or exempt from obtaining a license under the act previously in effect in this State and which does not qualify for a regular license under this subarticle must be granted a provisional license in accord with subsection a. of this section. The provisional license may be issued without regard to the time limit of subsection b. of this section. No provisional license issued under subsection c. is effective, either by its initial issue or by renewal, for a period greater than three years.**

114-502 B(1) A regular license/regular approval issued by the Department to the child care center shall be valid for two years from date of issuance, unless revoked by the Department or voluntarily surrendered by the director; provided however, that a change in location, ownership or sponsorship of the facility shall automatically void the license/approval.

POLICY- When a child care provider notifies the Office of Child Care Licensing that the facility is closing, a written response should immediately be sent to the provider requesting the return of the permit no later than ten (10) days after the stated date of closure. (1/29/09)

114-502 B.(2) A provisional license/provisional approval issued by the Department to a child care center shall be issued for a period within which the deficiencies shall be corrected, and within the conditions permitted by statute.

114-502 B.(3) A provisional license/provisional approval shall be amended from a provisional to a regular license/approval when all deficiencies have been verified as corrected.

Inspection and Consultation

SC Statute – Section 63-13-80

Investigations and inspections by the Department of Social Services

- a. **In exercising the powers of licensing, approving, renewing, revoking, or making provisional licenses and approvals, the department shall investigate and inspect licensees and approved operators and applicants for a license or an approval. The authorized representative of the department may visit a child care center or group child care home any time during the hours of operation for purposes of investigations and inspections. In conducting investigations and inspections, the department may call on political subdivisions and governmental agencies for appropriate assistance within their authorized fields. The inspection of the health and fire safety of child care centers and group child care homes must be completed upon the request of the department by the appropriate agencies (i.e., Department of Health and Environmental Control, the Office of the State Fire Marshal, or local authorities). Inspection reports completed by state agencies and local authorities must be furnished to the department and become a part of its determination of conformity for licensing and approval. After care consideration of the reports and consultation where necessary, the department shall assume responsibility for the final determination of licensing, approving, renewing, revoking, or making provisional licenses and approvals.**

POLICY: No child or other person in a child care facility may be photographed by Child Care Licensing even if the purpose is to document a deficiency. If children are present, and a photograph of the deficiency cannot be taken without including children or staff, written documentation of the deficiency on the On Site Deficiency Citation form is still sufficient. (1/29/09)

PROCEDURE: INSPECTION (Supervisory Visit) – Two unannounced inspections (Supervisory Visits) are required for each facility every year (except registered FCCH's).

Prior to the Inspection

1. **Suggestions for preparing for the inspection (Supervisory Visit):**
 - Plan all visits for a six (6) -month period of time taking location of the facilities into account. Note the tentative inspection (Supervisory Visit) dates on a calendar.
 - Keep a copy of all forms facilities may need, the regulations, and the Operating Manual in the vehicle.
 - Assemble the following paperwork and fill in as much information as possible prior to entering the facility:
 - The case file
 - The appropriate “Supervisory Visit Form” (i.e., for a Center, Group, or Church)
 - Multiple DSS Forms #2942
 - Any new forms or new information of which directors need to become aware.
 - Review any previous visits (i.e., renewal, inspection (Supervisory Visit, complaint, etc.) made to the facility and make note of any outstanding deficiencies that must be checked.

During the Inspection

1. **Identify yourself and the purpose of your visit.**
2. **Ask for the director or the person in charge.**
3. **Begin your inspection using the following recommendations:**
 - Locate or ask for the method used for keeping track of children during operating hours.
 - Verify that at least one person is present with current CPR and First Aid training.
 - Enter each area of the facility by introducing yourself and asking for each caregiver's name.
 - Verify the ages of the children present and count the number of children to check compliance with ratios.
 - Verify that each classroom has the ratio chart posted.
 - Complete a general scan of the room to find immediately noticeable problem areas.
 - Circle the room looking at the ceilings, floors, walls, furniture, etc.
 - Document any deficiencies on Form 2942 which will be discussed with the director during the exit interview.
 - Allow for reasonable on-site corrections (e.g., locking a cabinet that contains cleaning supplies). Cite all paperwork, ratio, and

supervision deficiencies regardless of immediate correction and document correction on the DSS Form 2942.

4. Repeat the above procedure for each area of the facility including the playground.
5. After all areas of the facility have been inspected, conduct exit interview with the director or person in charge.
6. Collect and review any required paperwork for staff who were not present during the last renewal and any other paperwork as needed.
7. Discuss any new forms or new information of which director needs to be aware.
7. Ask the director to sign and date the DSS Form #2942.

After the Inspection

1. Use the activity sheet in the case file to document that an inspection has been made, and state whether deficiencies have or have not been found.
2. File paperwork in the supervisory visit section if no deficiencies have been found.
3. If deficiencies exist, the deficiency letter is produced, reviewed by the supervisor and mailed to the provider within ten (10) business days of the inspection (Supervisory Visit).

Follow Up

1. Verify that deficiencies have been corrected within the specified time frame as stated on the deficiency letter.
2. Repeat an inspection if deficiencies have not been corrected.

- b. Before issuing a license or approval the department shall conduct an investigation of the applicant and the proposed plan of care for children and for operating a childcare center or a group childcare home. If the results of the investigation satisfy the department that the provisions of this subarticle and the applicable regulations promulgated by the department are satisfied, a license or approval may be issued.

114-502 C.(1) Department staff may visit and inspect a child care center at anytime during the hours of operation without prior notice to verify regulatory compliance.

POLICY: A child care facility may be closed with no staff present if all children are on a field trip. New children may be enrolled while the facility is closed due to a field trip, but they may not remain at the facility unless at least two qualified staff members are present. When any children are in care at the facility, the facility cannot be closed, two qualified staff members must be present, and access cannot be denied to Department staff. (1/29/09)

POLICY: If at any time a situation poses imminent danger to a child, the Department will address the results in writing within two business days of receipt of the citation. (11/1/06)

POLICY: Inspection and approval of kitchens in public schools that have regulated child care facilities shall be deferred to DHEC, the approved health authority in South Carolina. (7/30/09)

PROCEDURE: DEFICIENCIES POSING IMMINENT DANGER TO A CHILD

If at any time, including during the renewal process, a deficiency is cited (i.e., Fire Marshal, DHEC, etc.) that poses imminent danger to a child:

1. Regulatory staff will send a deficiency letter to the director/operator designating a timeframe for correction as well as consequences of non-compliance.
2. Regulatory staff will coordinate with the appropriate inspector to verify compliance.
3. Refer to Negative Action procedures if still out of compliance. (11/1/06)

114-502.C.(2) Department staff shall provide at least two working days notice to the director or center director prior to conducting an initial or renewal inspection.

114-502.C.(3) The director and staff shall cooperate with the investigation and related inspections by providing access to the physical plant, records, excluding financial records, and staff.

114-502 C.(4) The Department has the right to interview staff and parents relating to regulatory compliance.

POLICY: Parents shall be interviewed cautiously with supervisory oversight, and a written statement may be requested from parents and/or staff. All efforts shall be made to prevent the appearance of bias by Department staff. (1/31/06)

**SC Statute 63-13-180. f.
Development of regulations and suggested standards by
Department of Social Services**

The department shall establish a procedure for its representatives to follow in receiving and recording complaints. Standard forms may be produced and made available to parents and users of facilities upon request to the department. A copy of any complaint must be made available to the involved operator immediately upon this request.

**SC Statute 63-13-450.
Deficiency correction notices; private centers and homes.**

Whenever the department finds upon inspection that a private childcare center or group childcare home is not complying with any applicable licensing regulations, the department shall notify the operator to correct these deficiencies.

- a. Every correction notice must be in writing and must include a statement of the deficiencies found, the period within which the deficiencies must be corrected and the provision of the subarticle and regulations relied upon. The period must be reasonable and, except when the department finds an emergency dangerous

to the health or safety of children, not less than thirty days from the receipt of the notice.

- b. Within two weeks of receipt of the notice, the operator of the facility may file a written request with the department for administrative reconsideration of the notice or nay portion of the notice.
- c. The department shall grant or deny a written request within seven days of filing and shall notify the operator of the grant or denial.
- d. In the event that the operator of the facility fails to correct deficiencies within the period prescribed, the department may revoke the license.

POLICY- The degree of severity or the type of deficiency will determine the number of times a deficiency should be cited. Before placing repeat deficiencies in the Child Care Licensing system, the Region Supervisor or Central Office should be consulted. (1/29/09)

114-502 C.(5) Upon receipt of a regulatory complaint, the Department shall conduct an unannounced inspection of the center to investigate the complaint. If the complaint is written, the Department shall provide a copy to the director upon request.

POLICY: Requests for any documents or information contained in Child Care Licensing and Regulatory Services' records shall be made in accordance with the Department of Social Services' agency policy for release of information. (Administration and Program Support Policy and Procedure Manual, p. 15) (See Resource Manual) (08/25/08)

PROCEDURE: FOIA REQUESTS

If an individual tells an employee that s/he wishes to make a FOIA (Freedom of Information Act) request, advise the individual to put the request in writing. FOIA requests must be in writing. DSS has 15 working days from the receipt of the request to respond. Any employee receiving a FOIA request from an individual or entity other than the media must send the request letter or memo to the Office of General Counsel immediately. FOIA requests from the media must be sent to the Office of Public Affairs immediately. (08/25/08)

POLICY: Regulatory, accurate complaints received from some professionals who are affiliated with regulating child care facilities are founded as long as the complaint is not of a personal nature. Such allied professionals include but are not limited to the following: Fire Marshals, Law Enforcement, ABC, DHEC and DSS employees other than Regulatory Services.

- (1) After the complaint is received by the Region office and recorded in the Child Care Licensing system, a follow-up visit will be made in order to ensure the facility has corrected the deficiencies stated in the complaint. The facility director shall be informed at that time that the complaint is founded even if the deficiency has been corrected. A citation letter must still be sent to the facility as per statute, stating the deficiency or deficiencies and the timeframe(s) for correction.***

- (2) Upon verification of correction of the deficiencies, an entry will be made in the Child Care Licensing system that states the complaint was founded but deficiencies were corrected. (Revised 4/1/08, 1/29/09, and 2/27/12)**

PROCEDURE: REGULATORY COMPLAINTS/INVESTIGATIONS

- 1. Complaint is received by phone, in writing, or in person**
 - If the complaint is received in writing, attach a copy of the document to the DSS Form 2929
- 2. Identify the facility and determine if it is an illegal operation or a regulated facility**
 - If illegal operation, follow procedure for illegal operation
- 3. Indicate if the complainant wishes to remain anonymous or complete the contact information for the complainant**
- 4. Complete DSS Form 2929 and assemble as much information as possible**
 - Determine if the complaint is regulatory. If the complaint is regulatory, continue following the procedures as outlined.
 - If it is not, explain that the Department does not make visits on non-regulatory matters, such as financial or personal concerns (termination of staff, daily rates, etc.)
- 5. Make referrals to OHAN (see OHAN procedures), DHEC, Fire Marshal, etc. as necessary**
- 6. The Regulatory Specialist must make an unannounced visit within 5 (business) days of receipt of a regulatory complaint unless complaint is in reference to an illegal operation. If complaint is an illegal operation, Regulatory Specialist must then follow illegal operation procedures.**
 - Complaints involving a potentially serious risk should receive immediate attention.
 - If there is the possibility of a potentially serious risk, staff with supervisor immediately
 - Make the unannounced visit within the time frame discussed in the staffing
 - Introduce yourself and explain to the operator/director the purpose of the visit.
- 7. Document findings on DSS Form 2929**
 - Conduct exit interview with the director or operator. Discuss findings and other deficiencies, if any.
- 8. If deficiencies are cited, complete DSS Form 2942**
 - Obtain director's signature on the 2942 and leave a copy with the director.
- 9. Make follow up visit to verify compliance**
- 10. Enter all founded complaints on website**

**SC Statute 63-13-640.
Deficiency correction notices; public centers and homes.**

- (A) Whenever the department finds upon inspection that a public childcare center or group childcare home is not complying with any applicable regulations, the department may notify the operator to correct the deficiencies.**
- (B) Every correction notice must be in writing and shall include a statement of the deficiencies found, the period within which the deficiencies must be corrected and the provision of the subarticle and regulations relied upon. The period must be reasonable and, except when the department finds an emergency dangerous to the health or safety of children, not less than thirty days from the receipt of the notice.**
- (C) Within two weeks of receipt of the notice, the operator of the public childcare center or group childcare home may file a written request with the department for administrative reconsideration of the notice or any portion of the notice.**
- (D) The department shall grant or deny a written request within seven days of filing and shall notify the operator of the childcare center or group childcare home of the grant or denial.**
- (E) In the event that the operator fails to correct any deficiency within the period prescribed for correction, the department shall notify the appropriate public officials.**

**SC Statute 63-13-130.
Consultation by Department of Social Services.**

The department shall offer consultation through employed staff or other qualified persons to assist applicants and operators in meeting and maintaining regulations.

**SC Statute 63-13-140.
Compliance review by Department.**

Upon receipt of an applicant or operator, the department shall offer consultation to address any aspect of compliance with this subarticle or the regulations promulgated under this subarticle. Consultation includes, but is not limited to, review and comment on drawings and specifications related to construction and renovations proposed by a facility.

114-502 C.(6) The director may request consultation from the Department. Department staff shall provide technical assistance to the director as requested.

Reasons for License/Approval Denial, Revocation, Non-Renewal

**SC Statute – Section 63-13-430.(D)
License renewal; private centers and homes.**

No license may be renewed for any operator who has been convicted of:

- (1) a crime listed in Chapter 3, Title 16, Offenses Against the Person;
- (2) a crime listed in Chapter 15 of Title 16, Offenses Against Morality and Decency;
- (3) the crime of contributing to the delinquency of a minor, contained in Section 16-17-490;
- (4) the felonies classified in Section 16-1-10(A);
- (5) the offenses enumerated in Section 16-1-10(D); or
criminal offense similar in nature to the crimes listed in this subsection committed in other jurisdictions or under federal law.

SC Statute 63-13-630. (D)

A person applying for approval renewal under this section, a person who will operate the facility, and its employees and caregivers, who have not done so previously, on the first approval renewal after June 30, 1995, shall undergo a state fingerprint review to be conducted by the State Law Enforcement Division to determine any state criminal history and a fingerprint review to be conducted by the Federal Bureau of Investigation to determine any other criminal history.

No approval may be renewed under this section if the person applying for renewal, the operator of the facility, or an employee or a caregiver has been convicted of:

- (1) a crime listed in Chapter 3, Title 16, Offenses Against the Person;
- (2) a crime listed in Chapter 15 of Title 16, Offenses Against Morality and Decency;
- (3) the crime of contributing to the delinquency of a minor, contained in Section 16-17-490;
- (4) the felonies classified in Section 16-1-10(A);
- (5) the offenses enumerated in Section 16-1-10(D); or
- (6) a criminal offense similar in nature to the crimes listed in this subsection committed in other jurisdictions or under federal law.

114-502 D. (1) A license/approval may be denied, revoked or not renewed by the Department if the owner, director or staff member has been determined to have abused or neglected any child as defined in Section 63-7-20(2), S.C. Code of Laws, 1976 as amended.

114-502 D. (2) A license/approval may be denied, revoked or not renewed by the Department if cited deficiencies threaten serious harm to the health and/or safety of the children.

POLICY: Regional Office and Central Office will jointly staff cases to determine if revocation or denial is appropriate. (1/31/06)

POLICY: Negative action letters and summaries should be sent to the Central Office of Child Care Regulatory Services. Special circumstances may necessitate forwarding the documents to the Office of General Counsel at the discretion of the Central Office. (4/1/08 revised 2/27/12)

Reporting of Changes Affecting License/Approval

SC Statute – Section 63-13-440.b. License; private centers and homes.

No license may be transferred nor shall the location of any childcare center or group childcare home or place of performance of service be changed without the written consent of the department. The department shall consent to the change for a reasonable period of time when emergency conditions require it, so long as the new location or place of performance substantially conforms to state fire and health requirements.

- 114-502 B.(1) A regular license/regular approval issued by the Department to the child care center shall be valid for two years from date of issuance, unless revoked by the Department or voluntarily surrendered by the director; provided however, that a change in location, ownership or sponsorship of the facility shall automatically void the license/approval.
- 114-502 E.(1) The director shall immediately report to the Department when an occurrence takes place that may affect the status of the license/approval including the following:
- (a) Change in director, ownership, or sponsorship;
 - (b) Change in center location; and
 - (c) Major renovations or alterations to the building.

POLICY: The above changes should be reported to the Department within 24 hours of the occurrence, unless an emergency situation warrants otherwise. (1/31/06)

PROCEDURE: CHANGE OF OWNERSHIP

Prior to the change of ownership, the Department will need to receive the following items:

- **A letter from the current owner stating his/her intent to sell the child care center which includes:**
 - **The center's license number from the current license**
 - **The address of the center**
 - **The name of the new owner**
 - **The projected effective date of the change of ownership**
- **A letter from the new/potential owner stating his/her intent to purchase the child care center which includes:**
 - **The current name of the center**
 - **The address of the center**
 - **The center's identification number from the seller's current license**
 - **The projected effective date of the change of ownership**

If a third party owner is involved, this needs to be reviewed on a case-by-case basis.

In addition to the above documentation, the new owner must also submit the following:

- A completed application (DSS Form ____). If the new owner is to be a corporation, documentation of this must be included with the application.
- Criminal Records Background Check (SLED/FBI, Central Registry) must be completed if the owner will be the director and for any new staff persons.
- If the Fire and Sanitation inspections are current within two years, the Department may issue a provisional license.
- New Fire and Sanitation inspection reports issued in the name of the new owner must be requested along with the completed application.
- If the potential new owner is doing extensive remodeling and renovations, the Department will decide on a case-by-case basis which inspections must be completed.

A request for a new license for a change of ownership must be received at least 30 days in advance. (11/1/06)

License/Approval Renewal

**SC Statute – Section 63-13-430.A.—F.
License renewal; private centers and homes.**

- A. Regular licenses may be renewed upon application and approval. Notification of a childcare center or group childcare home regarding renewal is the responsibility of the department.**

PROCEDURE: RENEWALS -- *Renewals are required every two (2) years for all facilities except registered FCCH's. Renewals for registered FCCH's are required every year and do not require the same procedure as follows.*

Prior to the Renewal

1. **Suggestions for preparing for the renewal:**
 - Plan and conduct an inspection (supervisory visit) of the facility four to six (4-6) months prior to the expiration date for that facility's ALR. At this time, mail or deliver a renewal packet to the director and ask the director to sign the letter acknowledging receipt of the letter. Inform the director that s/he is to submit requests for fire and DHEC inspections (with a check for \$60) at least 120 days prior to the expiration date of the ALR.
 - Follow up with the facility to make sure requests for fire and DHEC inspections have been made in the appropriate time frame. (If they have not been made in the appropriate time frame, send the facility a deficiency letter. **NOTE:** Use this on a case-by-case basis.)
 - Keep a copy of all forms facilities may need, the regulations, and the Operating Manual in the vehicle.
 - Schedule a date for the renewal that is at least three (3) months prior to the expiration of the facility's ALR.
 - Remind the director of the scheduled renewal at least two (2) business days prior to their renewal date.
 - Assemble the following paperwork and fill in as much information as possible prior to entering the facility:
 - The case file

- The appropriate “Application Review Checklist”
 - The appropriate “Renewal Study” form (DSS Form #2912)
 - Multiple DSS Forms #2942
 - Any new forms or new information of which directors need to become aware.
- Review any previous visits (i.e., inspections (supervisory visits), complaints, etc.) made to the facility and make note of any outstanding deficiencies that must be checked.

During the Renewal

1. Identify yourself and state the purpose of your visit.
2. Ask for the director.
3. Begin by walking through the facility using the following recommendations:
 - Locate or ask for the method used for keeping track of children during operating hours.
 - Verify that at least one person is present with current CPR and First Aid training.
 - Enter each area of facility by introducing yourself and asking for each caregiver’s name.
 - Verify the ages of the children present and count the number of children to check compliance with ratios.
 - Verify that each classroom has the ratio chart posted.
 - Complete a general scan of the room to find immediately noticeable problem areas.
 - Circle the room looking at the ceilings, floors, walls, furniture, etc.
 - Document any deficiencies on DSS Form 2942 which will be discussed with the director during the exit interview.
 - Allow for reasonable on-site corrections (e.g., locking a cabinet that contains cleaning supplies). Cite all paperwork, ratio, and supervision deficiencies regardless of immediate correction and document correction on DSS Form 2942.
4. Repeat the above procedure for each area of the facility including the playground.
5. After all areas of the facility have been inspected, conduct exit interview with the director or person in charge.
6. Collect and review required paperwork for all new staff and at least 25 children. Document any paperwork deficiencies.
7. Review the “Renewal Study” form (DSS Form #2912) with the director.
8. Discuss any new forms or new information of which director needs to be aware.
9. Ask the director to sign and date the DSS Form #2942, if necessary.

After the Renewal

1. Use the activity sheet in the case file to document that a renewal visit has been made and state whether deficiencies have or have not been found.
2. The Supervisor reviews the “Supervisory Review Check Sheet” (DSS Form 2935)
3. Submit a request to renew the ALR if no deficiencies have been found. Document the date the license was sent to the provider in the dictation section of the file.

Note: If deficiencies exist, a deficiency letter can be produced, reviewed by the supervisor and mailed to the provider within ten (10) business days of the renewal.

Follow Up

1. Make unannounced visit to verify that deficiencies have been corrected within the specified time frame as stated on the deficiency letter and submit a request to renew the ALR.
 2. Repeat an inspection if deficiencies have not been corrected.
 3. If deficiencies will not be corrected by the expiration date of the ALR and it is reasonable to do so, submit paperwork requesting a provisional ALR and follow up to upgrade the provisional ALR to a regular ALR in a timely manner.
- B. Application for renewal must be made on forms supplied by the department in the manner it prescribes.**
- C. Before renewing a license the department shall conduct an investigation of the child care center or group child care home. If the results of the investigation verify that the provisions of this subarticle and the applicable regulations promulgated by the department are satisfied, the license must be renewed. The licensee shall cooperate with the investigation and related inspections by providing access to the physical plant, records, and staff. Failure to comply with the regulations promulgated by the department within the time period specified in this subarticle, if adequate notification of deficiencies has been made, is a ground for revocation of the license. The investigation and inspections may involve consideration of any facts, conditions, or circumstances relevant to the operation of the child care center or group child care home.**
- D. No license may be renewed for any operator who has been convicted of:**
- (1) a crime listed in Chapter 3, Title 16, Offenses Against the Person;
 - (2) a crime listed in Chapter 15 of Title 16, Offenses Against Morality and Decency;
 - (3) the crime of contributing to the delinquency of a minor, contained in Section 16-17-490;
 - (4) the felonies classified in Section 16-1-10(A);
 - (5) the offenses enumerated in Section 16-1-10(D); or
 - (6) a criminal offense similar in nature to the crimes listed in this subsection committed in other jurisdictions or under federal law.
- E. Application forms for license renewals issued under this section must include, at the top of the form in large bold type, a statement indicating that a person who has been convicted of a crime enumerated in subsection (D) who applies for a license renewal as operator is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than one year, or both.**
- F. A licensee seeking license renewal under this section, its employees, and its caregivers, who have not done so previously, on the first renewal after June 30,**

1995, shall undergo a state fingerprint review to be conducted by the State Law Enforcement Division to determine any state criminal history and a fingerprint review to be conducted by the Federal Bureau of Investigation to determine any other criminal history.

**SC Statute 63-13-630 A.—G.
Approval renewal, public centers and homes.**

- (A) Regular approvals may be renewed upon application and approval. Notification of a childcare center or group childcare home regarding renewal is the responsibility of the department.**
- (B) Application for renewal must be made on forms supplied by the department and in the manner it prescribes.**
- (C) Before renewing an approval the department shall conduct an investigation of the childcare center or group childcare home. If the results of the investigation verify that the provisions of this subarticle and the applicable regulations promulgated by the department are satisfied, the approval must be renewed. The operator shall cooperate with the investigation and related inspections by providing access to the physical plant, records, and staff. If the operator's statement of approval cannot be renewed, the appropriate public officials must be notified.**
- (D) A person applying for approval renewal under this section, a person who will operate the facility, and its employees and caregivers, who have not done so previously, on the first approval renewal after June 30, 1995, shall undergo a state fingerprint review to be conducted by the State Law Enforcement Division to determine any state criminal history and a fingerprint review to be conducted by the Federal Bureau of Investigation to determine any other criminal history.**

No approval may be renewed under this section if the person applying for renewal, the operator of the facility, or an employee or a caregiver has been convicted of:

- (1) a crime listed in Chapter 3, Title 16, Offenses Against the Person;**
 - (2) a crime listed in Chapter 15 of Title 16, Offenses Against Morality and decency;**
 - (3) the crime of contributing to the delinquency of a minor, contained in Section 16-17-490;**
 - (4) the felonies classified in Section 16-1-10(A);**
 - (5) the offenses enumerated in Section 16-1-10(D); or**
 - (6) a criminal offense similar in nature to the crimes listed in this subsection committed in other jurisdictions or under federal law.**
- (E) Application forms for renewal of a statement of standard conformity or approval issued under this section must include, at the top of the form in large bold type, a statement indicating that a person who has been convicted of a**

- crime enumerated in subsection (D) who applies for approval renewal is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than one year, or both.
- (F) No facility may employ or engage the services of an employee or a caregiver who has been convicted of one of the crimes listed in this section.
- (G) Application forms for renewal of a statement of standard conformity or approval issued under this chapter by the department for individual public childcare centers or group childcare homes must include, at the top of the form in large bold type, a statement indicating that a person who has been convicted of one of the crimes listed in this section who applies for a license as operator, applies for employment with, is employed by, seeks to provide caregiver services with, or is a caregiver at a facility is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than one year, or both.
- 114-502 F. (1) One hundred and twenty (120) days prior to the expiration date of the current license/approval, Department staff shall notify the director in writing of the time and requirements for renewal and shall request health and fire inspections.
- 114-502 F. (2) The same Department actions cited in 114-502.A.(2) through (10), above are applicable to the renewal process, except that the Department shall initiate the license/approval renewal process one hundred and twenty (120) days in advance.

PROCEDURE: DEFICIENCIES POSING IMMINENT DANGER TO A CHILD

If at any time, including during the renewal process, a deficiency is cited (i.e., Fire Marshal, DHEC, etc.) that poses imminent danger to a child:

- 1. Regulatory staff will send a deficiency letter to the director/operator designating a timeframe for correction as well as consequences of non-compliance.**
- 2. Regulatory staff will coordinate with the appropriate inspector to verify compliance.**
- 3. Refer to Negative Action procedures if still out of compliance. (11/1/06)**

(SEE RESOURCE MANUAL SECTION 3 FOR: CHAPTER 3, TITLE 16, OFFENSES AGAINST THE PERSON; CHAPTER 15, TITLE 16, OFFENSES AGAINST MORALITY AND DECENCY; SECTION 16-17-490 (REGARDING THE CRIME OF CONTRIBUTING TO THE DELINQUENCY OF A MINOR); SECTION 16-1-10(A); SECTION 16-1-10(D))