

ILLEGAL OPERATION INTAKE PROCEDURES

Policy:

Child Care Licensing shall make a visit regarding complaints all alleged facilities operating without a license or registration no later than three business days after the complaint is received.

Procedures:

Receiving the illegal operation complaint:

A telephone complaint alleging operation of a child care facility without a license, registration, or approval shall not be sent to voicemail or recorded as a note for a return call. It must be recorded immediately by a Licensing Specialist, Licensing Supervisor, or Central Office management staff. Email complaints must be responded to immediately to gather the appropriate information. Once received, it shall be forwarded to the appropriate supervisor or specialist for action.

Recording the illegal operation complaint

Telephone and emailed complaints:

The complaint must be entered into the Child Care Licensing (CCL) database and staffed with the Regional Supervisor (or designee).

Steps:

- (1) Child Care Licensing staff shall open the CCL and select Create New Contact.
- (2) Let the complainant know they may choose to be anonymous, however, ask the complainant for their name and phone number. Child Care Licensing will not disclose the identity of the complainant as per the statute.
- (3) Record as much contact information about the alleged operation as possible (you may have to call/email the complainant back to get all the information that may be necessary):
 - a. Gather name and address of the operation as well as the hours of operation.
 - b. Ask for the directions to the operation.
 - c. Find out approximately how many children are at risk.
 - d. Conduct a search of the CCL and Illegal Operations file for previous complaints.

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- e. If there have been previous complaints made against this person or location, it must be noted in the CCL under the intake or comment section and given consideration while preparing to respond to the complaint
- (4) Ask appropriate (*who, what, when, where, how*) questions regarding the operation. Do not judge the validity of the call/email. (Refer to the Intake Interview Question Guide.)
- (5) Assign and update the complaint to the CCL.

Complaints received via Agency reports (OHAN, ABC, Food Program), Media and through other methods:

The complaint must be entered into the Child Care Licensing (CCL) database.

OHAN Steps:

- (1) Review the Referral Response information and open the CCL and select Create New Contact.
- (2) The Licensing Specialist shall add the OHAN complaint information as appropriate (remember, Confidentiality) into the CCL to ensure the complaint receives response as an illegal operation. Child Care Licensing will not disclose the identity of the complainant as per the statute.
- (4) Record as much contact information about the alleged operation as possible to include name, address and hours of operations. Contact OHAN for additional information if necessary.
 - a. Conduct a search of the CCL and Illegal Operations file for previous complaints.
 - b. If there have been previous complaints made against this person or location, it must be noted in the CCL under intake or in the comment section and given consideration while preparing to respond to the complaint.
- (5) Assign and update the complaint to the CCL.
- (6) For Media and Illegal Operation complaints gathered through other methods, gather as much information as possible. Add information in the CCL after conducting a search for previous complaints. Assign and update the complaint to the CCL

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Preparation for the visit:

Research:

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- (1) Check the CCL again for possible previous contact with the person who is the subject of the report, possibly as an applicant, or a previous child care facility operator.
- (2) Check the Fingerprint database to see if the operator of the alleged illegal operation has ever been printed to be employed in child care.
- (3) Contact the Central Office management staff person who keeps the file of previous illegal operations to determine if this alleged operator has been notified in writing of the requirement to be licensed, registered, or approved. If they have, attempt to obtain a copy of that previous notice.
- (4) Contact ABC to see if there is an exempt program operating at the site. If there is an exempt program at the site, it still must be investigated to determine if the program is exceeding the definition of an exempt program and should be regulated.
- (5) Contact the Food Program to see if services are provided at the site, such as a summer feeding site which is only in operation during meal times. If there is a feeding program at the site, it still must be investigated to determine if the program is exceeding the definition of an exempt program and should be regulated.

Referrals:

- (1) Contact OHAN immediately and provide information as requested by OHAN Intake if there are allegations of CA/N made by the complainant.
- (2) When contacting other agency Departments (ABC or the Food Program) to determine involvement, inform them of the complaint but remind them that there is an allegation that the operation is not licensed or registered, and they are not to inform the operation of the pending investigation.
- (3) If there will be involvement with OHAN, ABC, or the Food Program, inform them that a Licensing Specialist may be in contact with them to coordinate a visit to the complaint.
- (4) Contact the appropriate zoning office to inform them that Child Care Licensing has received an allegation that there is a child care facility operating without a license or registration within their jurisdiction. Ask them for assistance and coordinate a visit, if possible.

Organize documents:

The Licensing Specialist who is assigned as the investigator of the illegal operation complaint shall prepare documentation to be taken along at initial contact. Such documentation includes but may not be limited to the following:

- (1) Prepare a list of questions relevant to the complaint that should be asked of the provider and of any possible collateral witnesses.
- (2) Previous complaints against this operator.

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- (3) Illegal operation letters previously sent to this operator.
- (4) A printed copy of the complaint with confidential information redacted to provide to law enforcement, if necessary.
- (5) The appropriate Site Visit Statutory Notice for the operator to sign.
- (6) The Child Care Licensing Laws for law enforcement if they are present to show that it is a misdemeanor to operate a child care facility without a license, registration, or approval.

Visiting the illegal operation complaint:

- (1) When scheduling the visit, the time of day should be relevant to the complaint.
 - a. If the complainant states school buses drop off children at the site, it would be appropriate to be at the site during the time buses normally arrive
- (2) Coordinate other agency Departments (OHAN, ABC, and the Food Program) and Law Enforcement, if necessary.
- (3) Visits may be made before, during, or after advertised hours of operation if the program is unregulated and alleged to be operating without a license or registration.
- (4) Two visits may be required to determine if the program operates more than four hours per day.
- (5) Obtain written hours of operation from the person responsible for the program. Check the internet for the facility's website information, when possible.

On-site visit in response to the illegal operation complaint:

- (1) Upon arrival it is appropriate to park in a location where the alleged operation can be seen.
- (2) Observe activity around the facility, as well as activities at neighboring homes, businesses, schools, parks, or playgrounds. Ex. Observing activities at sites other than the alleged illegal operation will help the Licensing Specialist decide who might be a credible collateral witness.
- (3) If a school bus is observed dropping children off or picking up children at the site, it may be appropriate to approach the bus driver with your DSS identification badge extended and ask how often and how many children are usually picked up or delivered.
 - a. Also ask which school or schools pick up or deliver children to the site and record the identification numbers written on the bus.
 - b. Contacting the principal of the schools would be a collateral interview.

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- (4) If parents are observed dropping off or picking up their children, they should be informed that Child Care Licensing has received information that the facility is operating without a license or registration. They should be asked immediately for contact information for later contact if they cannot answer questions at that time.
- (5) Upon approaching the alleged illegal operation, DSS identification must be clearly visible.
- (6) If the operator is not home, interview neighbors for information regarding the complaint.
 - a. Gather as much information as possible.
 - b. Leave and visit another day. Enter information into the CCL regarding the visit.
- (7) If the operator steps outside, ask to enter the facility. We must remain professional. Do not approach in a threatening manner; be adversarial or overly authoritative in our conversation with the operator.
- (8) If denied access, explain the nature of the visit and present the operator with the appropriate Site Visit Statutory Notice.
 - a. Attempt to gain voluntary cooperation by the operator by explaining that Child Care Licensing is required to complete the investigation.
 - b. Contact law enforcement for assistance, if necessary.
- (9) If granted access, explain the nature of the visit.
 - a. Ask the provider to show us the entire home.
 - b. Complete a thorough review of the operation. If necessary, photograph the facility, but never include children in the photographs. Ex. Bedrooms must be viewed in order to determine residency and how many children are present.
 - c. Request a schedule of the operating hours.
 - d. Obtain the names of all children, their DOBs and the contact information of the parents. Use the Illegal Operation Form.
 - e. If the situation is volatile and the children are at immediate risk, ask the provider to contact the parents to pick up their children. Call immediately to your Supervisor (or designee) and ask for assistance. It may be necessary to contact law enforcement at this time.
- (10) If it is determined through obvious observations that the operation exceeds exempt status, inform the operator that they must cease providing child care immediately.

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- (11) Inform the provider to cease operating immediately. Request an agreement from the provider, when possible. Inform the provider that they will receive written notice from the Central Office to that effect.
- (12) Offer contact information regarding New Facility Orientations.
- (13) If it is determined that this facility does not meet the definition of a child care facility and does not require licensure, thank the provider for allowing entry and answer any questions they may have.

Post on site visit actions:

- (1) Complete all documentation of the initial contact within one business day after the initial contact.
- (2) If the provider has been identified as operating without a license or registration, then notify Central Office so that the appropriate written notice may be sent to the provider. Staff the Illegal Operation case, if necessary. Document the CCL with appropriate information.
- (3) If the provider has not been identified as operating without a license or registration, then document the CCL as such and close out the complaint.

Follow-up visit:

Central Office staff will send Illegal Operation letter certified to the provider. Once the green card is received back from the US Postal Service (or verification has been received that the provider was provided a copy of the letter), a follow up visit must be conducted to verify closure of the facility.

Follow-up visits may necessary until it is determined that the facility is no longer operating without a license or permit.