

<b>ORP</b> <b>Office</b> <b>of Rules and</b> <b>Procedures</b>	<b>Department of Children and Family Services</b>	
	<b>Index No: 98-18</b>	<b>Issuance Date: July 30, 1998</b>
	<b>Origin of Request: Central Office of Licensing</b>	
	<b>Distribution: Licensing Staff, Administrative Staff (A,L)</b>	
	<b>Key Words: 89 IAC 406, Licensing Standards for Day Care Homes, 89 IAC 408, Licensing Standards for Group Day Care Homes, Supervision During Outside Play</b>	
	<b>Approved by:</b>	

### Interpretation

**Applicable To:** Licensed Day Care Homes  
Licensed Group Day Care Homes

**Policy Citation:** 406.2: Definitions

ALicensed capacity≡ means the maximum number of day care children under age 12 permitted in the home at any one time. Children age 12 and over on the premises are not considered in determining licensing capacity.

406.8(k)(5): Supervision shall be provided during outdoor play by caregivers who meet the requirements of Section 406.9 below.

408.5 Definitions

ALicensed capacity≡ means the maximum number of day care children under age 12 permitted in the group day care home at any one time. Children age 12 and over on the premises are not considered in determining license capacity.

408.30(k)(7): Supervision shall be provided during outdoor play by caregivers who meet the requirements of Section 408.45 below.

**Question:** Do older school-age children (9 to 12 years of age) who are household members of the day care home or group day care home have to be supervised according to subsections 408.30(k)(7) and 406.8(k)(5)?

**Discussion:** The Child Care Act of 1969 does not give the Department of Children and Family Services the legal authority to regulate the supervision of biological and adopted children of caregivers of day care homes or group day care homes. The

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Department establishes licensing capacity based only on the day care children. Biological children are excluded from the capacity. Parts 408 and 406 regulate the children receiving day care services within the day care home or group day care home.

**Response:** Subsections 408.30(k)(7) and 406.8(k)(5) pertain only to children receiving day care services. Children who are biological or adopted children of the day care home or group day care home caregiver shall be supervised at the discretion of their parent, who happens to be the caregiver of the day care home or group day care home.

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