

**Ohio Department of Job & Family Services  
Bureau of Child Care Policy and Technical Assistance****Provider Technical Assistance Letter 15****Immediate Suspension of License****September 28, 2015****Updated August 14, 2018***This letter has been updated for clarity; no substantive changes were made.***Background**

Amended Substitute House Bill 64 of the 131<sup>st</sup> General Assembly section 5104.042 of the Ohio Revised Code (ORC) gives the Ohio Department of Job and Family Services (ODJFS) the authority to immediately suspend the license of a child care center or family child care provider. These requirements are outlined in Ohio Administrative Code (OAC) rules 5101:2-12-05 for centers and 5101:2-13-05 for a family child care home.

**Actions**

The ORC allows the ODJFS or county agency licensing staff to refer a license to be immediately suspended if any of the incidents listed below would occur in, or apply to, a provider or program:

- 1.) A child dies or suffers a serious injury while receiving child care by the center, Type A or Type B home provider.
- 2.) A public children services agency (PCSA) accepts a complaint of abuse or neglect pursuant to section 2151.421 of the ORC on any of the following people:
  - The center or Type A home provider's owner or owner's representative.
  - The owner of the Type B home.
  - The administrator of the Type A home or center, if the administrator has not been released from employment or put on leave.
  - An employee of the center, Type A or Type B home, if the employee has not been released from employment or put on administrative leave.
  - A resident of the Type A or Type B home.
- 3.) Any of the following people have been charged by indictment, information, or complaint with an offense relating to the abuse or neglect of a child:
  - The center or Type A home provider's owner or owner's representative.
  - The owner of the Type B home.
  - The administrator of the Type A home or center, if the administrator has not been released from employment or put on leave.
  - An employee of the center, Type A or Type B home, if the employee has not been released from employment or put on administrative leave.
  - A resident of the Type A or Type B home.
- 4.) The department or a county department of job and family services determines that the center, Type A or Type B home created a serious risk to the health or safety of a child receiving care in the center, Type A or Type B home that resulted in or could have resulted in a child's death or injury.

- 5.) Any of the following people have been charged by indictment, information, or complaint with fraud:
- The center or Type A home provider's owner or owner's representative.
  - The center or Type A home provider's administrator if the administrator has not been released from employment or put on administrative leave.
  - The owner of a Type B home.

Upon notification from ODJFS that the license is suspended, the program must cease operations by the date and time indicated on the suspension notice. The provider must provide written notification of the suspension to the caretakers of all children enrolled.

The program may appeal the decision to suspend the license pursuant to section 119.12 of the ORC.

### **Factors to be Considered**

ODJFS has identified factors that will be considered for any immediate suspension recommendation. This list includes, but is not limited to, the following:

- Is there an immediate risk of danger to a child(ren)?
- Was the serious incident/death the result of non-compliance with licensing requirements?
- Has the case been accepted by the public children services agency?
- Does the county agency have any information on the case that indicates an immediate risk to the child(ren) in care?
- Was there malicious intent behind the action committed by the person in the program?
- Was the employee(s) put on leave and/or fired?
- Is there a reasonable degree of predictability of similar actions, situations, practices or incidents occurring in the future?
- Does the incident involve a high number of children or occur with sufficient regularity over time that the noncompliance can be considered a systemic break down?
- Do previous inspection reports show similar non-compliances under the same rule violation?
- What was the age of the child(ren)?

If you have any questions, please call the Child Care Policy Help Desk at 1-877-302-2347, option 4.