

Kansas Department of Health and Environment
Bureau of Family Health
Child Care Licensing Program
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LICENSING CHILD CARE IN KANSAS

(Authorized by K.S.A. 65-501 *et seq.*)

INTRODUCTION

The original licensing law which was passed in 1919 placed the licensing authority with the Kansas Department of Health and Environment. The Department administers the licensing law as a preventive program to assure that out-of-home care for children and maternity patients will not be exploitive, unsafe or unhealthy. The main purpose of the law is to protect the health, safety and welfare of children receiving care away from their parents and their home. The law is also a consumer protection law assuring parents that the care meets minimum standards.

Licensure is required regardless of the motivation for providing care as well as whether or not there is advertisement of or payment for services. The essential fact is that a child or children receive care away from their parents and their own homes.

Licensing in home-based care is not required when:

- 1) Child care is provided for not more than two children unrelated to the provider for 20 hours a week or less and the home has not been closed as a result of enforcement action.** Total time is determined by adding the hours each child is cared for weekly.
- 2) Irregular child care is arranged between friends and neighbors on an exchange basis.
- 3) Child care is provided in the child's own home.
- 4) Child care is provided in the home of the child's relative.

CATEGORIES OF CHILD CARE

DAY CARE (less than 24 hours per day)

Licensed Day Care Home (K.A.R. 28-4-113 et seq.) "Licensed day care home" means the premises on which care is provided for a maximum of **TEN** (10) children under 16 years of age, with a limited number of children under five years of age in accordance with K.A.R. 28-4-114(e).

Group Day Care Home (K.A.R. 28-4-113 et seq.) "Group day care home" means the premises on which care is provided for a maximum of **TWELVE** (12) children under 16 years of age, with a limited number of children under five years of age in accordance with K.A.R. 28-4-114(f).

Child Care Centers/Preschools (K.A.R. 28-4-420 et seq.) "Child care center" means a facility which provides care and educational activities for 13 or more children two weeks to 16 years of age for more than three hours and less than 24 hours per day including day time, evening, and nighttime care; or which provides before and after school care for school-age children. A facility may have fewer than 13 children and be licensed as a center if the program and building meet child care center regulations.

"Preschool" means a facility which provides learning experiences for children who have not attained the age of eligibility to enter kindergarten as prescribed in K.S.A. 72-1107(c) and any amendments thereto, and who are 30 months of age or older; which conducts sessions not exceeding three hours per session; which does not enroll any child more than one session per day; and which does not serve a meal. The term "preschool" shall include educational preschools, Montessori schools, nursery schools, church-sponsored preschools, and cooperatives. A facility may have fewer than 13 children and be licensed as a preschool if the program and facility meet preschool regulations. In lieu of being licensed, preschools operated on the premises of private schools providing kindergarten through grade six shall be governed by Kansas statutes applicable to private schools.

RESIDENTIAL CARE

Family Foster Home (K.A.R. 28-4-311 et seq.) Twenty-four hour family care for one to four children between the ages of infancy to 16 years of age.

Group Boarding Home (K.A.R. 28-4-268 et seq.) Twenty-four hour nonsecure care for five to ten children between the ages of infancy to 16 years of age.

Residential Center (K.A.R. 28-4-268 et seq.) Twenty-four hour nonsecure care for over ten children between the ages of infancy to 16 years of age.

Attendant Care Facility (K.A.R. 28-4-285 et seq.) Nonsecure care not to exceed 24 hours excluding weekends and holidays for children 10 years of age and older.

Detention Center (K.A.R. 28-4-350 et seq.) A secure public or private facility which is used for the lawful custody of accused or adjudicated juvenile offenders under 16 years of age pending court disposition.

Secure Care Center (K.A.R. 28-4-350 et seq.) A secure youth residential facility, other than a juvenile detention facility, used to provide care and treatment for alleged or adjudicated children in need of care pursuant to the Kansas code for the care of children.

Secure Residential Treatment Facility (K.A.R. 28-4-330 et seq.) A secure facility operated or structured to provide a therapeutic residential care alternative to psychiatric hospitalization for five or more youth with a diagnosis of a severe emotional, behavioral, or psychiatric condition. Treatment means comprehensive, individualized, goal-directed, therapeutic services provided to youth.

The State Department of Health and Environment does not place children in residential care. Children are placed by parents or guardian, by a public agency such as Department for Children and Families, or by a private child placing agency licensed to perform placement services.

SPECIAL CATEGORIES OF SERVICE REQUIRING A LICENSE

Child Placing Agency (K.A.R. 28-4-170 et seq.) A social service agency which receives children for services including placement in residential programs or in foster family homes, or for adoption.

Maternity Care (K.A.R. 28-4-268 et seq.) Residential care which includes services to females during pregnancy.

Maternity Center or Hospital (K.A.R. 28-4-370 et seq.) A facility not licensed as a medical hospital, which provides delivery services for normal, uncomplicated pregnancies.

Day Care Referral Agency (K.A.R. 28-4-185 et seq.) An association, organization, individual or corporation receiving, caring for, and finding homes for children under 16 years of age who need day care.

ADDITIONAL INFORMATION

Health certificates and negative TB tests are required for all persons **SIXTEEN** (16) years of age and older in contact with children.

Medical records for all children and youth in care must be on file at the child care facility.

**The Secretary of the Kansas Department of Health and Environment (KDHE) may levy a fine, suspend, deny or revoke a license for violation of regulations of the child care licensing statutes.

Information about licensing procedures and copies of regulations may be obtained from the local child care surveyor/county health department (under local government) or by contacting the Child Care Licensing Program, 1000 SW Jackson, Suite 200, Topeka, Kansas 66612-1274 (785) 296-1270.