

*The following information comes directly from the state licensing requirements. Be sure that you follow all the requirements and keep up with the amount of time each person volunteers as they would be required to have a criminal background check if they volunteer more than 20 hours a week. Please fax me a copy of the volunteer application after you call and do the references check. Put the date and your initials beside the references to indicate that you have done the reference check.*

(Rule 1240-04-03-.02,)

(50) Volunteer. A person who provides services for a child care agency without payment and who is used to supplement the regular staff or substitutes, but who is not used to meet the required adult:child ratios; provided, however, that volunteers can be used to meet the required adult:child ratios at the field trip destination.

(51) Youth. A person who is ten (10) years of age through seventeen (17) years of age.

(Rule 1240-04-03-.05,)

(9) Staff Record Requirements Shall Include:

(a) Name, birth date, the social security number used by the employer for Federal/State tax purposes, address, and telephone number of all staff members, including volunteers, and a contact for each staff member in an emergency;

(n) Volunteer Records. Records of volunteers shall be maintained on-site at the agency and must include the names, addresses, telephone numbers and dates of service for all volunteers.

(Rule 1240-04-03-.07)

10) Exclusion of Persons from Contact with Children.

(a) Prohibited Criminal or Abuse or Neglect History.

1. No individual with a prohibited criminal history as defined below, regardless of whether such individual is required by these rules to undergo a criminal background check, may work, substitute or volunteer in a child care agency, or be a resident, licensee, director or manager of a child care agency who has access to children, or be an operator who has significant contact with children or otherwise have unrestricted access to children in any manner whatsoever.

2. An individual shall be immediately and automatically excluded from child care or any contact whatsoever with children, as described above, if the individual's criminal history includes:

(i) A criminal conviction or a no-contest or guilty plea; or any pending criminal action, including individuals subject to any warrant, indictment, presentment. etc.; or placement in a pretrial diversion; or,

(ii) A pending juvenile action or previous juvenile adjudication, which, if an adult, would constitute a criminal offense; and

(iii) Any of the circumstances in subparts (i) or (ii) above involves any of the following criminal offenses:

LICENSURE RULES FOR CHILD CARE CENTERS CHAPTER 1240-04-03

(Rule 1240-04-03-.07, continued)

March, 2009 (Revised) 32

(I) Any offense (including a lesser included offense) involving the physical, sexual or emotional abuse or gross neglect of a child, or involving a threat to the health, safety or welfare of a child;

(II) Any offense (including a lesser included offense) involving violence or the threat of violence against another person; and/or

(III) Any offense (including a lesser included offense) involving the

manufacture, sale, distribution or possession of any drug.

3. An individual shall also be immediately and automatically excluded from child care or from access in any manner whatsoever to the children in the care of the agency, if the individual:

- (i) Reveals a prohibited or potentially prohibited criminal history on the Criminal History Disclosure Form; or
- (ii) Is listed on the Department of Health's Vulnerable Persons Registry; and/or
- (iii) Is known to the management or licensee of a child care agency as a perpetrator of child abuse or child sexual abuse or to have a prohibited criminal history, or who is identified to the child care agency's management or licensee by the Department of Human Services or by the Department of Children's Services as a validated perpetrator of abuse of a child based upon an investigation conducted by the Department of Children's Services or by the child protective services agency of any other state; or, who at anytime is identified by any person or entity to the child care agency's management or licensee and is confirmed by the Department of Human Services as having a prohibited criminal history.

1240-04-03-.07

(a) Every staff person, including auxiliary staff, substitutes, volunteers, and practicum students, shall be physically, mentally, and emotionally capable of using the appropriate judgment for the care of children and otherwise performing his/her duties satisfactorily.

(Rule 1240-04-03-.07, continued)

(8) Volunteers.

(a) Volunteers may be used to provide services and supplement the required caregivers or substitutes without payment, but are not counted to meet the adult:child ratios. If counted in the adult:child ratio, or provide services for more than twenty (20) hours per calendar week, volunteers shall meet the qualifications for substitutes as set forth in paragraph 1240-04-03-.07(7) above. **(See below in italic)**

(b) Management shall be responsible for and supervise the activities of volunteers to assure safety of the children.

(c) Every staff person, both paid and unpaid, who are under the age of eighteen (18) years must be supervised by an adult while in the presence of children.

*(7) Substitutes.*

*(a) The names, addresses, telephone numbers and dates of service shall be recorded for all substitutes in the staff personnel records of the agency.*

*(b) Substitutes shall comply with the same orientation requirements of these rules for all agency staff.*

*(c) Substitutes who have acted as caregivers for two hundred (200) or more hours in the previous calendar year shall meet the training requirements contained in these requirements for caregivers.*

*(d) Substitutes providing services for thirty-six (36) hours or more in a calendar year shall:*

*1. Meet the criminal background check requirements contained in these rules; and*

*2. Meet the same requirements as regular staff for the physical examination required by these rules.*