

STATE OF OREGON
OREGON DEPARTMENT OF EDUCATION
OFFICE OF CHILD CARE

In the Matter of

Jeanette Williams
Mrs. Williams Childcare
CF502132

Emergency Conditions on
Certified Family Child Care Home

**ORDER IMPOSING EMERGENCY CONDITIONS
AND RIGHT TO REQUEST A HEARING**

The Office of Child Care (OCC), Oregon Department of Education is the state agency charged with regulating child care facilities under Oregon Revised Statutes (ORS) chapter 329A and Oregon Administrative Rules (OAR) chapter 414, division 350. OCC is imposing emergency conditions on your certified family child care license pursuant to ORS 329A.300(3)(c) as amended by Oregon Laws 2019 chapter 187, section 5, effective January 1, 2020.

The bases for this action are as follows:

1. Jeannette Williams (Licensee) was issued a certification (License) on June 19, 2019 to operate a certified family childcare home, Mrs. Williams Childcare at [REDACTED] (Facility). The License is currently set to expire on June 19, 2020.
2. On January 6, 2020, the Office of Child Care (OCC) was notified of an infant fatality at the Licensee's certified family childcare home in Hillsboro. OCC immediately opened an investigation to determine if any regulatory violations occurred. [REDACTED]
3. On January 7, 2020, OCC staff visited the Licensee's facility as part of OCC's investigation. There were no children in care at the time of the visit and OCC staff were told by the Licensee that she would not conduct childcare for the remainder of the week. Subsequently, OCC staff spoke with the Licensee and received an update indicating that the facility would remain closed through January 17, 2020, but that she intended to resume childcare January 18, 2020.
4. Pursuant to OAR 414-350-0220(7)(h) "The following safe sleep practices must be followed: There shall be no items in the crib, portable crib, bassinet or playpen with the infant, except a pacifier (e.g. bottles, toys, pillows, stuffed animals, blankets, bumpers);" The required *Safe Sleep for Oregon's Infants* training details that pacifiers with attachments are prohibited.
 - a. The Licensee violated this rule on January 6, 2020. During the interview on January 7, 2020, OCC staff asked the Licensee about the pack and play and if there were any items in it. The Licensee reported to OCC staff that at the time of the incident on January 6, 2020 that there was a baby's pacifier with a stuffed animal attached to it in the pack and play.
5. Under OAR 414-350-0010(33)(e), not following a safe sleep practice is a serious violation.
6. OCC's investigation is ongoing.
7. Based on the violation and situation identified above, including that the fatality occurred at the Facility, the cause of death is not yet known, investigations are ongoing, and without adopting additional precautions the environment of the Facility could remain the same as what it was at the time of the fatality, OCC finds that there is a serious danger to the health and safety of children

receiving care at Licensee's child care facility, necessitating additional interim safety measures as a reasonable precaution to protect children in care at the Facility until such time when additional information becomes available that necessitates a reevaluation of these conditions.

8. In establishing the facts and basis for the emergency condition as alleged above, OCC may rely on one or more definitions contained in ORS 329A.250 and OAR 414-350-0010.

ORDER IMPOSING EMERGENCY CONDITIONS

Based on the findings above, OCC imposes the following conditions pursuant to ORS 329A.300(3)(c) as amended by Oregon Laws 2019 chapter 187, section 5, effective January 1, 2020.

1. The Licensee may not provide child care for children under 2 years of age.
2. Childcare children may only sleep in the family room¹ of the Licensee's certified family home. An authorized adult, enrolled in the Central Background Registry, must be physically present in this room and awake at all times while the children are present and be able to see and hear the children at all times.
3. The Licensee must have one more additional staff member to assist, above what is required in child to staff ratio tables listed in OAR 414-350-0120, on site at all times when child care children are in care.

These conditions are effective **immediately**.

NOTICE OF RIGHT TO REQUEST A HEARING

You are entitled to a hearing as provided by the Administrative Procedures Act (chapter 183, Oregon Revised Statutes). If you want a hearing, you must make a written request to the OCC no later than 90 days from the date this Order was mailed. The request should be sent to the Office of Child Care, 700 Summer St. NE, Suite 350, Salem, OR 97301. The request may also be submitted via fax at (503) 947-1428 or e-mail occ.hearings@state.or.us.

If you request a hearing, you will be notified of the time and place of the hearing. You may be represented by legal counsel at the hearing. Legal aid organizations may be able to assist you if you have limited resources. OCC will be represented by an Assistant Attorney General from the Oregon Department of Justice. You will be provided information on the procedures, right of representation and other rights of parties relating to the conduct of the hearing before commencement of the hearing. Any hearing will be conducted by an administrative law judge from the Office of Administrative Hearings, assigned as required by ORS 183.635. After the hearing, an order confirming, altering, or revoking this order will be issued.

If you are corporation, partnership, limited liability company, unincorporated association, trust, or government body, you must be represented by an attorney licensed to practice in Oregon, including in your request for hearing.

If you fail to request a hearing within 90 days, if you request a hearing and subsequently withdraw your request for hearing, if you fail to appear for the hearing, or if a hearing is scheduled and you later notify the OCC or the administrative law judge that you will not appear at the specified time and place, you

¹ See attached map of the certified family home provided by the Licensee at the time of application indicating the location of the family room.

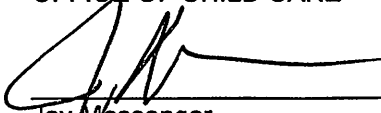
will have waived your right to a hearing. In that event, OCC designates the relevant portions of its file, including any materials you submit, as the record for purposes of this Order.

NOTICE TO ACTIVE DUTY SERVICE MEMBERS

Active duty service members have a right to stay proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar 800-452-8260, the Oregon Military Department at 503-584-3571 or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll free telephone number.

DATED this 16TH day of JANUARY 2020

OFFICE OF CHILD CARE



Jay Messenger
Legal and Enforcement Director

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