

STATE OF OREGON
OREGON DEPARTMENT OF EDUCATION
OFFICE OF CHILD CARE

In the Matter of

Juliet Okunor Hendricks
Lovely Kids Day Care
RF535674

EMERGENCY ORDER OF
SUSPENSION

Emergency Order Suspension of
Family Child Care Registration

Juliet Okunor Hendricks


The Office of Child Care (OCC) of the Early Learning Division (ELD) is charged with licensing registered family child care homes, pursuant to ORS 329A.250 through 329A.460 and 329A.994, and OAR 414 chapter 250. The Registered Family Child Care Home of Juliet Okunor Hendricks is suspended under the provisions of ORS 183.430(2), ORS 329A.350(1) and OAR 137-003-0560. According to ORS 183.430(2), "In any case where the agency finds a serious danger to the public health or safety and sets forth specific reasons for such findings, the agency may suspend or refuse to renew a license without hearing, but if the licensee demands a hearing within 90 days after the date of notice to the licensee of such suspension or refusal to renew, then a hearing must be granted to the licensee as soon as practicable after such demand, and the agency shall issue an order pursuant to such hearing as required by this chapter confirming, altering or revoking its earlier order. Such a hearing need not be held where the order of suspension or refusal to renew is accompanied by or is pursuant to, a citation for violation which is subject to judicial determination in any court of this state, and the order by its terms will terminate in case of final judgment in favor of the licensee."

According to ORS 183.415(3), "Notice under this section must include: (f) A statement that active duty servicemembers have a right to stay proceedings under the federal Servicemembers Civil Relief Act and may contact the Oregon State Bar or the Oregon Military Department for more information. The statement must include the toll-free telephone numbers for the Oregon State Bar and the Oregon Military Department and the

Internet address for the United States Armed Forces Legal Assistance Legal Services Locator website.”

According to OAR 137-003-0560(1), “If the agency finds there is a serious danger to the public health or safety, it may, by order, immediately suspend or refuse to renew a license. For purposes of this rule, such an order is referred to as an emergency suspension order. An emergency suspension order must be in writing. It may be issued without prior notice to the licensee and without a hearing prior to the emergency suspension order.”

According to OAR 414-205-0040(1)(b), “ The registered provider and any substitute provider shall: Have competence, sound judgement and self-control when working with children,”

According to OAR 414-205-0085(5), “Guidance and discipline shall be fair, consistently applied, timely and appropriate to the behavior and age of the child. Positive statements or redirection of behaviors shall be used.”

According to OAR 414-205-0085(6)(a), “Using any form of corporal punishment, including, but not limited to: hitting, spanking, slapping, beating, shaking, pinching or other measures that produce physical pain, or threatening to use any form of corporal punishment.”

According to OAR 414-205-0170(2), “The Office of Child Care may immediately, and without prior notice, suspend the child care registration when, in the opinion of OCC, such action is necessary to protect the children from physical or mental abuse or a substantial threat to health, safety or well-being. Such action may be taken before an investigation is completed.”

According to OAR 414-205-0170(3), “A provider whose registration has been suspended must immediately notify, verbally or in writing, all parents of the suspension.”

According to OAR 414-205-0170(4), “A provider whose registration has been suspended must immediately provide OCC with all names, work and home telephone numbers and addresses of the parent(s) or legal guardian(s) for each child.”

According to OAR 414-205-0170(5), “A provider whose registration has been suspended must post the suspension in the home where it can be viewed by parents and others for the duration of the suspension.”

According to OAR 414-205-0170(6), “If necessary to protect children, OCC may give public notice of denial, suspension or revocation action taken. The type of notice will depend on individual circumstances.”

According to OAR 414-205-0170(7), “If the provider does not request a hearing and the conditions which resulted in suspension have not been corrected, the registration shall be revoked.”

According to OAR 414-205-0170(10), “The provider has the right to appeal any decision to deny, suspend, or revoke registration or to impose a fine, subject to the provisions of Chapter 183, Oregon Revised Statutes.”

ORS 329A.252 states, “Provision of care by persons whose enrollment in registry is denied, revoked, or suspended. (1) As used in this section, “exempt prohibited individual” means: (a) An individual whose certification or registration is suspended, has been denied for cause or has been revoked under ORS 329A.350. (b) An individual whose enrollment in the Central Background Registry established by ORS 329A.030 is suspended, has been denied for cause or has been removed under ORS 329A.030. (c) An individual whose certification, registration or enrollment in the Central Background Registry is subject to an emergency order of suspension under ORS 183.430(2). (d) An individual who voluntarily surrendered the individual’s certification, registration or enrollment in the Central Background Registry while under investigation by the Office of Child Care or at any time after the Office of Child Care has given notice of an administrative proceeding against the individual or the individual’s child care facility. (e) An individual to whom the Office of Child Care has issued a final order to cease and desist: (A) After a contested proceeding; or (B) That has become effective because the individual did not request a hearing. (2) For five years following the date on which an individual becomes an exempt prohibited individual, the exempt prohibited individual: (a) Is ineligible for enrollment in the Central Background Registry; and (b) May not provide care to a child who is not related to the exempt prohibited individual by blood or marriage within the fourth degree as determined by civil law.”

THE FACTS

Juliet Okunor Hendricks, doing business as Lovely Kids Day Care, was originally issued a Registered Family Child Care Home license on August 13, 2020. The license expiration date is December 15, 2022.

On June 1, 2021, OCC received a complaint that a [REDACTED] child had scratches on [REDACTED] face and a large injury in the shape of a handprint on [REDACTED] back. The handprint-shaped injury on the back was measured [REDACTED] and was approximately 6 inches, consistent with the size of an adult’s hand. Through an OCC and partner agency tandem investigation, it was determined that these injuries occurred during child care hours at Lovely Kids Day Care. It was also determined that the injuries were not there on the morning the child was in care. The only person caring for the child in the afternoon when the injury occurred was Juliet Okunor Hendricks.

Pursuant to OAR 414-205-0040(1)(b), “ The registered provider and any substitute provider shall: Have competence, sound judgement and self-control when working with children.” The provider did not use competence, sound judgement and self-control as evidenced by the large handprint-shaped injury and face scratches on a child under the age of two.

Pursuant to OAR 414-205-0085(5), "Guidance and discipline shall be fair, consistently applied, timely and appropriate to the behavior and age of the child. Positive statements or redirection of behaviors shall be used." The provider did not use the appropriate guidance and discipline with this child as evidenced by the face scratches and large handprint-shaped injury on the child's back.

Pursuant to OAR 414-205-0085(6)(a), "Using any form of corporal punishment, including, but not limited to: hitting, spanking, slapping, beating, shaking, pinching or other measures that produce physical pain, or threatening to use any form of corporal punishment." The provider hit or slapped the child care child on the back, causing a large handprint-shaped injury.

CONCLUSIONS OF LAW

Based on the foregoing facts, OCC has determined that suspension of Provider's license is necessary to protect children from abuse or a substantial threat to their health, safety or well-being. Further, OCC finds that there is a serious danger to the public health and safety and that immediate action is necessary to protect children from abuse or a substantial threat to health, safety or well-being. Provider's Registered Family Child Care Home license is suspended effective June 8, 2021 pursuant to ORS 183.430(2), OAR 137-003-0560(1), and OAR 414-205-0170(2).

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). Under ORS 329A.360 and OAR 137-003-0560, you have the right to demand a hearing to be held as soon as practicable to contest the emergency suspension order. 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 Summers 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.

The Department of Human Services and Child Care Resource and Referral Agency will be notified of this suspension action. This suspension order may cause payment vouchers from the Department of Human Services to be discontinued.

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. The Office of Child Care 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.

Active duty service members have a right to stay these proceedings under the federal Service members Civil Relief Act. For more information contact the Oregon State Bar at 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.

If you fail to request a hearing, 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 Office that you will not appear at the specified time and place, you will have waived your right to a hearing. OCC designates the relevant portions of its file, including all materials you have submitted, as the record for purposes of this emergency order of suspension.

DATED this 8th day of June, 2021

OFFICE OF CHILD CARE

/s/ Meg Kirschnick

Meg Kirschnick
Enforcement Officer

MK:njd