

# RULE GUIDANCE



## When is a child considered to be a child care child?

### GUIDANCE TOPIC

How to determine if a child counts in the program’s ratios.

### LICENSE TYPE AND RULES

#### Registered Family Child Care (RF)

[OAR 414-205-0065\(1\)](#)

#### Certified Family Child Care (CF)

[OAR 414-350-0120\(1\)](#)

#### Certified Child Care Center (CC)

[OAR 414-300-0130\(1\)](#)

### WHY THESE RULES ARE IN PLACE

Family refers to a group of individuals related by blood, marriage, or adoption, or individuals whose functional relationships are similar to those found in such associations. The family's purpose is the security, support, nurturance, love, transmission of values and facilitation of each member's growth and development, and is the primary social unit affecting a child's well-being.

**Home Care:** If the provider (and household members) are all part of a single family unit, their children count in the provider's numbers anytime the children are present during child care hours. Whenever a child and the child's parent (or individual whose functional relationship is similar to those found in a family) resides in the same home with the provider, they are considered two separate family units. If there is a separate family unit, and the parent is present and actively supervising his/her own child(ren), those children do not count in the provider's numbers.

### HOW THIS MAY LOOK IN YOUR PROGRAM

Other children, including but not limited to: relatives, staffs’ children, neighborhood children or friends of the provider's children, are included in the maximum number of children allowed in care if their parent or guardian (or other adult acting as such) are not present or are not directly supervising the child.

Scenarios	Guidance
<p><b>Scenario 1</b> Provider's daughter and grandchild live in provider's home. When the daughter works, her child is cared for by the provider and counts in the child care numbers. However, when the daughter is home, the daughter takes supervisory responsibility of her own child.</p>	<p>The provider's daughter and her child are a separate family unit. When the daughter is supervising her own child, the child does not count in the provider's numbers. The daughter and child DO NOT need to be in a separate part of the home as long as the daughter is taking full supervisory responsibility of the child.</p>
<p><b>Scenario 2</b> A provider's spouse agrees to have their 11-year-old son stay with him in another part of the home during a half hour period in which the provider has 10 child care children in care so that she will not have more children in care than allowed.</p>	<p>This is one family unit so the provider’s child would count in provider's numbers.</p>

### Scenario 3

Provider's son, his girlfriend and her child live with the provider. The provider's son is home and is caring for his girlfriend's child

The child would not count in child care numbers as (s)he is part of a second family unit residing in the home and is being supervised by his own "parent". The provider's son and child DO NOT need to be in a separate part of the home as long as the son is taking full supervisory responsibility of the child.

### Scenario 4

Provider and her boyfriend live together with her child and his two children. He is listed as her substitute.

His children count in her numbers even if he is upstairs with his own two children and they are completely away from her child care children since they are a single family unit.

### Scenario 5

Provider and her husband live in the home along with their daughter and son-in-law and their two children. The child care is conducted in a separate out building. Do the grandchildren count in numbers when their grandfather is watching them in the main house? Do the children count if their own parents are present and supervising them?

If the children's parents are present and supervising them they do not count in the provider's numbers as long as the child's parents are not acting as staff in the child care.

The grandfather is not the children's parent so an exception would be needed to allow him to care for the children in the main house and not count them in the provider's numbers.

If the children are in the child care area with the provider, and their parents are not there supervising them, or are acting as child care staff, they count in the provider's numbers

## ADDITIONAL INFORMATION

**Note:** EVERY child that counts in ratio (under 13 years old) must have a complete file (siblings cannot share enrollment forms) with all the required paperwork, and be signed in/out each day. This includes the provider's children or children whose parent works in the program.

\*The provider/staff's children must also be included in the ages and number of children in care on the child care license.

## OCC LICENSING SPECIALIST MAY REVIEW

- Child Enrollment Forms
- Child Files
- Attendance Records
- USDA paperwork

## OPTIONAL RESOURCES

Oregon Administrative Rules, Oregon Department of Education, Early Learning Division, Chapter 414, Divisions 205 [Registered Family Child Care Homes](#), 300 [Certified Child Care Centers](#), and 350 [Certified Family Child Care Homes](#).

You are entitled to language assistance services and other accommodations at no cost. If you need help in your language or other accommodations, please contact the Office of Child Care at 503-947-1400.

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