

OFFICE OF THE GOVERNOR
GOVERNMENT OF GUAM
AGANA, GUAM 96910

EXECUTIVE ORDER NO. 70-14

FAMILY DAY CARE HOMES


WHEREAS, it is deemed desirable to provide for Family Day Care Homes throughout the Island of Guam to care for children of working parents, and;

WHEREAS, this desire is further demonstrated by efforts of the Division of Social Services of the Department of Public Health and Social Services, to place children of working mothers in homes found sanitary, safe and secure, and;

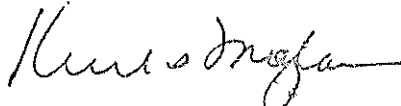
WHEREAS, Section 9102, Chapter 2, Title X, Government Code of Guam, authorizes the Governor to promulgate rules and regulations governing the administration of Child Welfare Services within the Division of Social Services of the Department of Public Health and Social Services.

NOW, THEREFORE, by virtue of the foregoing, the attached rules and regulations entitled "Social Services Rules and Regulations No. 5, Family Day Care Homes, are hereby approved and promulgated by executive order, and shall be in force and effect from May 11, 1970.

Dated at Agana, Guam, this 11th day of May 19 70.


CARLOS G. CAMACHO
Governor of Guam

COUNTERSIGNED:


KURT S. MOYLAN
Secretary of Guam

GOVERNMENT OF GUAM
DIVISION OF SOCIAL SERVICES
DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES

Social Services Rules and Regulations No. 6

Executive Order No. 70-14

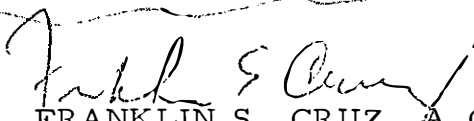
Amendment No. 1 To add Subsection C, Section III of the Social
Services Rules and Regulations No. 6

In accordance with Executive Order No. 70-14, "Social
Services Rules and Regulations No. 6, Subsection C., Section III"
is hereby added to read as follows:

(C) FAMILY DAY CARE HOMES FEES

~~The~~ The monthly rates for Family Day Care Homes are as follows:

<u>No. of Children</u>	<u>Amount per Month</u>
1	\$ 60
2	115
3	165
4	210
5	250


FRANKLIN S. CRUZ, A. C. S. W.
Director of Public Health
and Social Services

Concurred:

CARLOS G. CAMACHO
Governor of Guam

GOVERNMENT OF GUAM
DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES
DIVISION OF SOCIAL SERVICES

SOCIAL SERVICES RULES AND REGULATION NO. 5

FAMILY DAY CARE HOMES

SECTION I - DEFINITIONS

- A) Family Day Care Home: A place in which one but not more than five children are provided regular care apart from their parents or guardians.
- a) With or without charging a fee during any part of a twenty-four hour day.
- b) Where the relationship of child and family day care parents is not by blood or marriage.
- B) Family Day Care Parent: Any person who gives care to children in day care.
- C) Certificate of Approval: A license issued by the Department of Public Health and Social Services authorizing the operation of a Family Day Care Home.
- D) Department: The Territory's Department of Public Health and Social Services.
- E) Regular Care: Care of children at fixed and certain intervals which is regular in point of time and place, thus excluding the idea of temporary, occasional, accidental, incidental, or casual care.
- F) Regulations: Rules and Regulations Governing Family Day Care Homes contained herein.

PURPOSE:

The purpose of these rules and regulations is to set up standards for family day care homes on Guam utilized in connection with the administration of Public Child Welfare Services as set forth in Section 9102 of Chapter 2, Title X, Government Code of Guam.

SECTION II - CERTIFICATE OF APPROVAL

A) APPLICATION

- 1) A person desiring to provide day care for children shall submit an application to the Department of Public Health and Social Services on a form prescribed by the Department for a Certificate of Approval.
- 2) An application from a married person living with a spouse shall be made jointly by husband and wife.

B) STUDY OF THE HOME

- 1) The Department shall conduct a study of the applicants and their homes to determine whether the established regulations are met.
- 2) A record of the study shall be kept on file by the Department.

C) ISSUANCE OF CERTIFICATE OF APPROVAL

- 1) When the study indicates that the home is in compliance with these regulations, a certificate of approval shall be issued by the Department for a period of one year.
- 2) The Certificate of Approval shall specify:
 - a) The name and address of the person(s) to whom it is issued;
 - b) The number of the certificate;
 - c) The maximum number and ages of children for whom it is licensed; and
 - d) The period for which the certificate is effective.
- 3) The Certificate of Approval is non-transferable when the parent(s) to whom it is issued ceases to operate a family day care home.

- 4) The Certificate of Approval is subject to review when:
 - a) There is a change in residence;
 - b) The home accepts more than the maximum number of children for which it is approved;
 - c) There is a change in family composition; and
- 5) The Certificate of Approval shall be conspicuously posted in the home.
- 6) The certificate is issued without cost to the approved applicant.

D) DENIAL OF CERTIFICATE OF APPROVAL

- 1) A Certificate of Approval shall not be issued when a study indicates that the home does not meet these regulations.
- 2) The Department shall send a written statement to the family day care parent, giving reason for denial of a Certificate of Approval.
- 3) Any person denied a Certificate of Approval may request, and shall be granted, an opportunity to discuss with the Department the reason(s) for the denial or shall have the right to a hearing with the Director of the Department.

E) TEMPORARY PERMIT

- 1) The Department may issue a temporary permit for a period up to three (3) months to any applicant who is temporarily unable to conform to all of the regulations.
- 2) Renewal of such a permit shall be left to the Department's discretion.

F) RENEWAL OF CERTIFICATE OF APPROVAL

- 1) At least 60 days prior to the expiration of the current certificate, the family day care home shall apply for renewal of its certificate.
- 2) A study shall be conducted following the receipt of the renewal application, according to Section II-B.

- 3) A Certificate of Approval shall be issued according to Section II-C.
- 4) A Certificate of Approval may be denied according to Section II-D.

G) SUSPENSION AND REVOCATION

- 1) Whenever a family day care home no longer meets the conditions under which the certificate of approval was granted, the Department shall notify the day care parents, in writing, stating specific violation(s) and a time limit to effect necessary corrections.
- 2) If a family day care home fails to make the necessary corrections within the stated time limit after such notice is given, the Certificate of Approval shall be suspended or revoked by the Department.

H) HEARING

- 1) Any family day care home whose certificate of approval is to be suspended or denied, or revoked, shall have the right of hearing with the Director of the Department, provided such appeal is made in writing not later than five days after receipt of the notice of suspension, denial or revocation.
- 2) Upon receipt of an appeal, the Director of the Department shall arrange for the hearing.
- 3) The final suspension or revocation shall be at the discretion of the Director of the Department.

SECTION III - ADMINISTRATION

A) NUMBER OF CHILDREN TO BE CARED FOR

- 1) A family day care home shall provide care for no more than five children, exclusive of family day care parents' own children.
 - a) In no instance shall care be provided to more than five children under eight years of age, including family day care parents' own children.
 - b) In no instance shall care be provided to more than two children under the age of two years by one adult, including family day care parents' own children.

- c) Should there be additional adult help in the home, at no time shall care be provided to more than four children under the age of two, including family day care parents' own children.

B) RECORDS

- 1) Each family day care home shall keep the following records:
 - a) Completed application form for each child;
 - b) Daily Attendance record;
 - c) Emergency information
 - 1) Address and telephone number of parents and two other adults responsible for the child's care.
 - 2) Name of family physician, his telephone number and address.
 - 3) Written consent to call another physician when the family physician cannot be contacted.
 - d) A health record on each child shall include the following information:
 - 1) Physical examination report
 - 2) Immunization records.
 - 3) Any medical health problems including restrictions and allergies.
 - 4) Chest x-ray or tuberculin test.
- 2) All records shall be held confidential and shall be available on demand to a duly authorized official of the Department.

SECTION IV - CARE OF CHILDREN

A) HEALTH

- 1) The family day care parents shall require the following written medical reports and health information on each child accepted for admittance to their home:
 - a) A physical examination by a licensed physician given within 90 days immediately preceding placement.
 - b) Immunization records.
 - c) Pertinent information on the health of the child and any particular medical health problem.

- 2) The family day care parents shall require that a child in day care have a physical examination at least annually and have appropriate immunization in accordance with the Public Health Regulations of the Department.
- 3) There shall be a health inspection each day by the family day care mother of each child upon his arrival at the home for any indication of illness.
- 4) There shall be continued observation of all children throughout their stay in the family day care home so that any illnesses will be detected and appropriately handled.
- 5) A child who becomes ill after he is admitted to the home shall be separated from the rest of the group, but within call of an adult, until the parent can call for him.
- 6) The regulations of the Department on communicable disease shall be followed where children show symptoms of communicable disease.
- 7) Specific instructions obtained from a physician for the feeding and care of children with special problems shall be written on their records and followed.
- 8) Under no circumstances should a family day care mother give medication of any kind unless prescribed by a physician:
 - a) Should she accept this responsibility, the medication shall be kept in the original container bearing the prescription label which shows the date filled, physician's name, physician's directions for use, and the child's name.
 - b) Medication shall be kept out of reach of the children and returned to parents when no longer needed.
- 9) First aid supplies shall be kept on hand. The nature of the first aid supplies shall be determined by the Department.

B) FEEDING

Family day care homes caring for children through mealtime shall provide:

- 1) Nutritious food appropriate to the age of the child.
- 2) Nutritious snacks between meals.

C) DAILY PROGRAM

There shall be a well-balanced daily program including rest period appropriate to each child's age, regular meal hours, and recreation including supervised outdoor activity.

D) SAFETY

Poisons, drugs, harmful chemicals and other dangerous articles such as cleaning fluids, matches, firearms and tools shall be kept in a safe location and out-of-reach of children.

E) DISCIPLINE

There shall be no punishment or discipline which may in any way injure or harm a child physically or emotionally.

F) CLOTHING AND PERSONAL SUPPLIES

- 1) A change of clothing shall be kept for emergency.
- 2) Each child in day care shall be provided with individual towels, combs, toothbrushes, and other necessary toilet articles.

G) RELIGION

The religious faith of each child shall be respected.

SECTION V - FAMILY DAY CARE PARENTS AND HOUSEHOLD

A) REQUIREMENTS

- 1) Family day care parents shall show evidence of being well adjusted persons, capable of understanding and caring for children.
- 2) They shall provide three references who have adequate knowledge of the family background in terms of character and ability to care for children. Additional references shall be furnished to the Department upon request.

- 3) Income of the family day care parents shall be reasonably steady and sufficient to maintain an adequate standard of living for the family.
- 4) Family day care parents shall not conduct a lodging or boarding house, or other business on the premises which would adversely affect the welfare of the children under their care.
- 5) Family day care parents and all members of the household shall be free from disease which may be transmissible to others and from physical conditions which would adversely affect the care of children. Prior to the initial approval of a family day care home, the following written medical reports shall be submitted by the family day care parents to the Department:
 - a) Physical examination reports on the family day care parents from a licensed physician, including a chest x-ray or tuberculin test in accordance with the Department's current recommendations.
 - b) A chest x-ray or a tuberculin test on every member of the household in accordance with the Department's current recommendation.
 - c) Upon request, additional reports with reference to the health of other members of the household will be submitted.
- 6) Annually, chest x-ray or tuberculin test shall be required of the family day care parents and all members of the household, in accordance with the Department's current recommendations. A physical examination report of any member of the household shall be furnished upon request to the Department.
- 7) Should a family day care parent need to be absent, she shall arrange for the supervision of the children by a responsible person. Any absence for a period beyond a week shall be reported immediately to the parents or legal guardians and the Department.

SECTION VI- SANITATION AND HOUSING

The home shall comply with Territorial Laws and Public Health regulations on sanitation and housing.

A) SANITATION

- 1) The premises shall be kept in a safe and sanitary condition.
- 2) Running portable water should be available for bathing facilities and the waste shall be connected to a cesspool or sewer system.
- 3) Where there is an adequate water supply, the home shall have sanitary water-flush toilets. In areas where an adequate water supply is not available, toilet facilities shall meet public health regulations.
- 4) The home shall have adequate facilities for the proper disposal of sewage with all plumbing connected to a cesspool or sewer system.
- 5) All garbage and rubbish shall be stored in a durable container with tightly fitted covers.
- 6) Food stored in the home shall be protected from rat and insect infestation and perishable food shall be stored under refrigeration.
- 7) Preparation of food shall be in a properly screened kitchen with adequate sink facilities.
- 8) There shall be proper facilities for washing and sanitizing eating and drinking utensils.
- 9) There shall be proper facilities for washing clothes.

B) HOUSING

- 1) For daytime care, there shall be a minimum of 35 square feet per child of indoor areas, excluding bathroom, kitchen, cupboard space and hallways.
- 2) For night-time care, every room used for sleeping purposes shall have a minimum of 50 square feet per child of indoor area, excluding bathrooms, kitchen, cupboard space and hallways.
- 3) There shall be good, artificial and natural light and ventilation available for bathing and toilet facilities. Ventilation means a window that opens to the outside atmosphere or a mechanical ventilating system.

C) SLEEPING ARRANGEMENT

Sleeping arrangement for a child in day care shall include suitable light, ventilation and provision for proper rest:

- 1) No child in day care over one year of age shall sleep regularly in the same room with a married couple.
- 2) No child in day care over 10 years of age shall sleep in the same room with children over 10 years old of the opposite sex.
- 3) The rest period shall be adequately supervised.
- 4) No child shall sleep in a building detached from the main household.
- 5) Beds, cots or pads shall be no less than five feet apart.

SECTION VII - EQUIPMENT AND FURNISHINGS

- 1) Each child shall be provided a space for his own clothing and belongings.
- 2) The following equipment shall be provided:
 - a) A bed, cot or pad for each child.
 - b) Individual cribs for children under two years of age.
 - c) Clean and sanitary bedding and linen and necessary furnishings.

SECTION VIII - OUTDOOR SPACE

There shall be easy accessibility to adequate outdoor space. It shall be fenced or otherwise protected, safe and well-drained with sunny and shady areas.

SECTION IX - CONTACTS WITH THE FAMILY DAY CARE HOME

The family day care home shall be subject to visits by the Department as is deemed necessary to protect the welfare of children in day care. The day care parent may call on the Department for advice and consultation.

SECTION XI - PENALTY

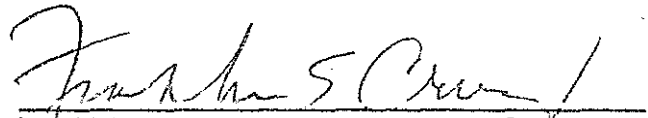
Any person willfully making any false statement or violating these regulations shall be guilty of a misdemeanor and be punishable by a fine not exceeding two hundred dollars. Furthermore, the Certificate of Approval will be immediately suspended. These regulations become effective upon approval of the Governor.

SECTION XII - SEPARABILITY

If any phrase, clause, sentence, section, subsection, provision or part of these regulations, or its application to any person or circumstance, if for any reason held to be unconstitutional or invalid, the remaining portions of these regulations, or the application of these regulations to other persons or circumstances shall not be affected.

These regulations shall take effect when approved by the Governor. The foregoing regulations were adopted by the Department of Public Health and Social Services on the 11th day of May, 1970.

DEPARTMENT OF PUBLIC HEALTH
AND SOCIAL SERVICES



FRANKLIN S. CRUZ, M.S.W.

Director of Public Health and Social Services